



February 21, 2003

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## SENATE BILL No. 268

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DIGEST OF SB 268 (Updated February 17, 2003 5:12 PM - DI 102)

**Citations Affected:** IC 2-5; IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-14; IC 5-26.5; IC 9-24; IC 11-8; IC 12-28; IC 16-19; noncode.

**Synopsis:** Makes numerous changes in Indiana election law in response to the Help America Vote Act of 2002 (HAVA). The changes affect the following: (1) Election administration structure and procedures. (2) Voter registration procedures including establishment of a statewide voter registration file. (3) Acquisition, accessibility, and operation of new voting systems. (4) Voter identification. (5) Provisional ballots. Directs state officials to make certain applications and certifications required by HAVA. Appropriates money received by the state under HAVA for the purposes permitted by HAVA. Reappropriates money appropriated from the Build Indiana Fund (BIF) during the 2001 legislative session for voting systems to the election administration assistance fund to provide the state match to federal funds required by HAVA. Provides that if the BIF funds are insufficient to provide match for federal funds, the additional required match is appropriated from the state general fund. Repeals obsolete statutes relating to the statewide voter registration file and the voting systems improvement fund and the voting systems education fund.

**Effective:** Upon passage; July 1, 2003; January 1, 2004.

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### Skillman, Breaux

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January 9, 2003, read first time and referred to Committee on Rules and Legislative Procedure.

February 10, 2003, amended; reassigned to Committee on Elections and Civic Affairs.

February 20, 2003, amended, reported favorably — Do Pass; reassigned to Committee on Finance.

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February 21, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 268

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 2-5-19-19 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The committee  
3 shall do the following:
- 4 (1) Advise and assist the Bureau of the Census in the preparation  
5 and organization of decennial census data for use by the general  
6 assembly in reapportioning the following:
    - 7 (A) The house of representatives of the general assembly.
    - 8 (B) The senate of the general assembly.
    - 9 (C) The United States House of Representatives.
  - 10 (2) Work with the Bureau of the Census in defining the  
11 boundaries of census blocks in Indiana.
  - 12 (3) Coordinate Indiana's efforts to obtain an accurate population  
13 count in each decennial census.
  - 14 (4) Work with other state and federal agencies to assist in the  
15 local review program conducted in Indiana.
  - 16 (5) Work with the code revision commission to prepare legislation  
17 for introduction in the regular session of the general assembly that

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meets during the year of the effective date of the decennial census under IC 1-1-3.5 to propose amendments to Indiana law to reflect the population information obtained as a result of the decennial census.

(6) Study costs and other relevant aspects of acquisition by the state of a geographic information system.

(7) Make recommendations concerning changes or amendments to IC 3 (the elections code) to the general assembly, **including legislation for the implementation and administration of the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

SECTION 2. IC 3-5-2-26.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 26.2. "HAVA" refers to the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).**

SECTION 3. IC 3-5-2-53 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 53. "Voting system" means **the following:**

**(1) Before January 1, 2006,** a combination of mechanical, electromechanical, or electronic equipment that is used to cast and count votes. The term includes the software and firmware required to program and to control the equipment. Equipment that is not an integral part of a voting system but that can be used as an adjunct to the system is considered to be a component of the system.

**(2) After December 31, 2005, as provided in 42 U.S.C. 15481:**

**(A) the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support that equipment) that is used:**

- (i) to define ballots;**
- (ii) to cast and count votes;**
- (iii) to report or display election results; and**
- (iv) to maintain and produce any audit trail information;**
- and**

**(B) the practices and associated documentation used:**

- (i) to identify system components and versions of those components;**
- (ii) to test the system during its development and maintenance;**
- (iii) to maintain records of system errors and defects;**



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(iv) to determine specific system changes to be made to a system after the initial qualification of the system; and  
 (v) to make available any materials to the voter (such as notices, instructions, forms, or paper ballots).

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.122-2000, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2000~~ 2003.

SECTION 5. IC 3-5-8-2, AS ADDED BY P.L.126-2002, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The statement required by section 1 of this chapter must contain the following:

- (1) A statement of the qualifications that an individual must meet to vote in Indiana, including qualifications relating to registration.
- (2) A statement describing the circumstances that permit a voter who has moved from the precinct where the voter is registered to return to that precinct to vote.
- (3) A statement that an individual who meets the qualifications and circumstances listed in subdivisions (1) and (2) may vote in the election.
- (4) A statement describing how a voter who is challenged at the polls may be permitted to vote.
- (5) The date of the election and the hours during which the polls will be open, as required by 42 U.S.C. 15482.
- (6) Instructions on how to vote, including how to cast a vote and how to cast a provisional ballot, as required by 42 U.S.C. 15482.
- (7) Instructions for mail-in registrants and first time voters under IC 3-7-33-4.5 and 42 U.S.C. 15483, as required under 42 U.S.C. 15482.
- (8) General information on voting rights under applicable federal and state laws, including the right of an individual to cast a provisional ballot and instructions on how to contact the appropriate officials if these rights are alleged to have been violated, as required under 42 U.S.C. 15482.
- (9) General information on federal and state laws regarding prohibitions on acts of fraud and misrepresentation, as required under 42 U.S.C. 15482.
- (10) A statement informing the voter what assistance is available to assist the voter at the polls.
- ~~(6)~~ (11) A statement informing the voter what circumstances will



1 spoil the voter's ballot and the procedures available for the voter  
2 to request a new ballot.

3 ~~(7)~~ **(12)** A statement describing which voters will be permitted to  
4 vote at the closing of the polls.

5 ~~(8)~~ **(13)** Other information that the commission considers  
6 important for a voter to know.

7 **(b) The voter's bill of rights is not required to contain the**  
8 **information described in subsection (a)(5), (a)(6), (a)(7), (a)(8), and**  
9 **(a)(9) before January 1, 2004.**

10 SECTION 6. IC 3-5-8-3, AS ADDED BY P.L.126-2002, SECTION  
11 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
12 2003]: Sec. 3. **(a) As required by 42 U.S.C. 15483, and after**  
13 **December 31, 2003, the precinct election board shall post the**  
14 **voter's bill of rights in a public place in each polling place on**  
15 **election day.**

16 **(b)** The commission may require a copy of the voter's bill of rights  
17 to be distributed with voter registration materials or other materials that  
18 are given to voters.

19 SECTION 7. IC 3-6-3.7 IS ADDED TO THE INDIANA CODE AS  
20 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
21 1, 2003]:

22 **Chapter 3.7. The Secretary of State**

23 **Sec. 1. The secretary of state is the chief state election official of**  
24 **the state. The secretary of state shall perform all ministerial duties**  
25 **related to the administration of elections by the state, with the**  
26 **assistance of the election division under IC 3-6-4.2-2.**

27 **Sec. 2. In addition to performing the duties related to elections**  
28 **specified in this title, the secretary of state shall do the following:**

29 **(1) Work with the federal Election Assistance Commission to**  
30 **encourage students enrolled at institutions of higher education**  
31 **(including community colleges) to assist state and local**  
32 **governments in the administration of elections by serving as**  
33 **nonpartisan poll workers or assistants.**

34 **(2) Consult with the federal Election Assistance Commission**  
35 **in the development of materials, seminars, and advertising**  
36 **targeted at students to implement the Help America Vote**  
37 **College Program conducted by the Election Assistance**  
38 **Commission under 42 U.S.C. 15521.**

39 **(3) Consult with the Help America Vote Foundation**  
40 **established under 36 U.S.C. 1526 in developing programs to**  
41 **encourage secondary school students (including students**  
42 **educated in the home) to participate in the election process in**

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a nonpartisan manner as poll workers or assistants to local election officials in precinct polling places.

(4) Consult and coordinate with (and provide administrative support to) the co-directors of the election division in the development and implementation of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(5) Perform all duties required to be performed by the state or the chief state election official under HAVA.

**Sec. 3. The secretary of state may develop programs to encourage Indiana secondary school students and students in institutions of higher education in Indiana to assist state and local governments in the administration of elections.**

SECTION 8. IC 3-6-4.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. ~~(a) The secretary of state shall perform all ministerial duties related to the administration of elections by the state.~~

~~(b)~~ The election division shall assist the commission and the secretary of state in the administration of this title.

SECTION 9. IC 3-6-4.2-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.5. The election division shall assist the secretary of state in the implementation of HAVA.**

SECTION 10. IC 3-6-4.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. The election division shall do the following:

(1) Prepare and distribute paper ballots for the election or retention of persons to federal and state offices and for public questions in compliance with this title.

(2) Maintain complete and uniform descriptions and maps of all precincts in Indiana.

(3) Promptly update the information required by subdivision (2) after each precinct establishment order is filed with the commission under IC 3-11-1.5.

(4) Issue media watcher cards under IC 3-6-10-6.

(5) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross income tax booklets under IC 6-8.1-3-19.

**(6) After December 31, 2003, serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.**

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(7) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

(8) Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

(9) Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 11. IC 3-6-4.2-12.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12.1. (a) This section applies to the development, implementation, and amendment of the state plan under HAVA (42 U.S.C. 15401 through 15406).

(b) An individual appointed by the co-directors to serve on the committee established to develop the state plan to implement HAVA under 42 U.S.C. 15405 is entitled to receive the compensation or reimbursement provided under subsection (d) or (e).

(c) For purposes of subsection (d), an individual who holds:

(1) a state office is considered an employee of the state; or

(2) an office of a political subdivision is considered an employee of the political subdivision.

(d) Each member of the committee who is not a state employee or an employee of a political subdivision is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(e) Each member of the committee who is a state employee or an employee of a political subdivision is entitled to reimbursement for travel expenses and other expenses actually incurred in connection

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1 with the member's duties, as provided in the state travel policies  
 2 and procedures established by the Indiana department of  
 3 administration and approved by the budget agency.

4 (f) The committee's expenses, including the payment of per diem  
 5 and reimbursements under this section, shall be paid from the  
 6 Section 101 account of the election administration assistance fund  
 7 established under IC 3-11-6.5.

8 SECTION 12. IC 3-6-4.2-12.5 IS ADDED TO THE INDIANA  
 9 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2003]: Sec. 12.5. (a) As authorized under 42  
 11 U.S.C. 15421, the secretary of state shall apply to the Secretary of  
 12 Health and Human Services for payments under the HAVA (42  
 13 U.S.C. 15421 through 15425) to do the following:

14 (1) Make polling places (including the path of travel,  
 15 entrances, exits, and voting areas of each polling place) more  
 16 accessible to individuals with disabilities, including the blind  
 17 and visually impaired, in a manner that provides the same  
 18 opportunity for access and participation (including privacy  
 19 and independence) as other voters.

20 (2) Provide individuals with disabilities and other individuals  
 21 described in subdivision (1) with information about the  
 22 accessibility of polling places, including outreach programs to  
 23 inform the individuals about the availability of accessible  
 24 polling places and training election officials, poll workers, and  
 25 election volunteers on how best to promote the access and  
 26 participation of individuals with disabilities in elections.

27 (b) If the secretary of state receives payments from the  
 28 Secretary of Health and Human Services under 42 U.S.C. 15421  
 29 through 15425, the election division shall expend the money as  
 30 described in the application submitted under 42 U.S.C. 15423.

31 (c) Money received by the secretary of state under this section  
 32 is continuously appropriated for the purposes described in  
 33 subsection (a).

34 SECTION 13. IC 3-6-4.2-14, AS AMENDED BY P.L.26-2000,  
 35 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2003]: Sec. 14. (a) Each year in which a general or municipal  
 37 election is held, the election division shall call a meeting of all the  
 38 members of the county election boards and the boards of registration  
 39 to instruct them as to their duties under this title **and federal law**  
 40 **(including HAVA and NVRA)**. The election division may, but is not  
 41 required to, call a meeting under this section during a year in which a  
 42 general or a municipal election is not held.



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(b) Each circuit court clerk shall attend a meeting called by the election division under this section.

(c) The co-directors of the election division shall set the time and place of the instructional meeting. In years in which a primary election is held, the election division:

(1) may conduct the meeting before the first day of the year; and

(2) shall conduct the meeting before primary election day.

The instructional meeting may not last for more than two (2) days.

(d) Each member of a county election board or board of registration **and an individual who has been elected or selected to serve as circuit court clerk but has not yet begun serving in that office** is entitled to receive all of the following:

(1) A per diem of twenty-four dollars (\$24) for attending the instructional meeting called by the election division under this section.

(2) A mileage allowance at the state rate for the distance necessarily traveled in going and returning from the place of the instructional meeting called by the election division under this section.

(3) Reimbursement for the payment of the instructional meeting registration fee from the county general fund without appropriation.

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 14. IC 3-6-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 4.5. Administrative Complaints Concerning Uniform and Nondiscriminatory Election Technology and Administrative Requirements Under Title III of the Help America Vote Act of 2002**

**Sec. 1. This chapter applies after December 31, 2003.**

**Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (42 U.S.C. 15481 through 15485).**

**Sec. 3. As required by 42 U.S.C. 15511, this chapter establishes the state based administrative complaint procedures to remedy grievances concerning uniform and nondiscriminatory election technology and administrative requirements under Title III.**

**Sec. 4. The remedies provided under this chapter are supplemental to any other remedies provided to an aggrieved party under this title.**



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1       Sec. 5. As required by 42 U.S.C. 15512, the procedures  
2 prescribed by this chapter must be uniform and  
3 nondiscriminatory.

4       Sec. 6. As provided by 42 U.S.C. 15512, a person who believes  
5 there is a violation of any provision of Title III, including a  
6 violation that has occurred, is occurring, or is about to occur, may  
7 file a complaint with the election division.

8       Sec. 7. As required by 42 U.S.C. 15512, a complaint filed under  
9 this chapter must be written, signed, and sworn to before an  
10 individual authorized to administer an oath under IC 33-16-4.

11       Sec. 8. The complaint filed under section 7 of this chapter must  
12 state the following:

13       (1) The name and mailing address of the person alleged to be  
14 committing the violation of Title III described in the  
15 complaint.

16       (2) Whether the person filing the complaint has filed a  
17 complaint concerning the violation with a county election  
18 board under IC 3-6-5.1.

19       (3) The nature of the injury suffered (or about to be suffered)  
20 by the person filing the complaint.

21       Sec. 9. The election division shall promptly provide a copy of the  
22 complaint by first class mail to the members of the commission and  
23 the persons identified in the complaint.

24       Sec. 10. A person entitled to file a complaint under this chapter  
25 may file a complaint with the county election board where the  
26 violation allegedly occurred under IC 3-6-5.1. If a person filed a  
27 complaint under IC 3-6-5.1, the election division shall not begin  
28 enforcement procedures under this chapter regarding the  
29 complaint until the person filing the complaint files a complaint  
30 with the election division under this chapter.

31       Sec. 11. This section applies if the complaint alleges that either  
32 co-director of the election division has committed the violation. The  
33 aggrieved person shall file the complaint with the chair of the  
34 commission. The chair of the commission shall perform the duties  
35 otherwise performed by the election division concerning a  
36 complaint.

37       Sec. 12. As permitted under 42 U.S.C. 15512, the election  
38 division (or commission) may consolidate complaints filed under  
39 this chapter.

40       Sec. 13. The election division shall determine whether a  
41 complaint filed under this chapter describes a violation of Title III  
42 if the facts set forth in the complaint are assumed to be true. If the

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election division determines that:

(1) even if the facts set forth in the complaint are assumed to be true, there is no violation of Title III; or

(2) the person has not complied with section 7 of this chapter; the election division shall dismiss the complaint and publish the order dismissing the matter in the Indiana Register.

Sec. 14. If the election division dismisses a complaint under section 13 of this chapter, the election division shall provide a copy of this determination by certified mail to:

(1) the person who filed the notice;

(2) the person alleged to have committed the violation;

(3) the members of the commission; and

(4) the attorney general.

Sec. 15. If the election division determines that the complaint alleges a violation of Title III if the facts alleged in the complaint are assumed to be true and that the person has complied with section 7 of this chapter, the election division shall conduct an investigation under IC 3-6-4.2.

Sec. 16. The election division, upon completing the investigation, shall submit the results of the investigation to the commission, which shall then issue a written report. The election division shall provide a copy of the report by certified mail to:

(1) the person who filed the complaint;

(2) the person alleged to have committed the violation;

(3) the members of the commission; and

(4) the attorney general.

Sec. 17. The report described in section 16 of this chapter must:

(1) indicate the date when the complaint alleging the violation was received by the election division;

(2) contain findings of fact regarding the alleged violation and state whether a violation of Title III has occurred, or appeared to be likely to occur when the complaint was filed;

(3) state what steps, if any, the person alleged to have committed the violation has taken to correct the violation or to prevent a reoccurrence of the violation;

(4) suggest any additional measures that could be taken to correct a violation;

(5) indicate the date when a violation was corrected or is expected to be corrected; and

(6) provide any additional information or recommendations useful in resolving this complaint.

Sec. 18. As required by 42 U.S.C. 15512, at the request of the

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1 person filing a complaint, or at the request of a member of the  
 2 commission, the commission shall conduct a hearing on the  
 3 complaint and prepare a record of the hearing. A request for a  
 4 hearing must be filed with the election division not later than noon  
 5 seven (7) days after the report is mailed under section 16 of this  
 6 chapter.

7 Sec. 19. After concluding the hearing, the commission shall:

- 8 (1) affirm the report;
- 9 (2) amend the report; or
- 10 (3) refer the matter to the election division for further  
 11 investigation and submission of a subsequent report to the  
 12 commission.

13 Sec. 20. As required by 42 U.S.C. 15512, if the commission  
 14 determines that based on the evidence presented, there is no  
 15 violation of any provision of Title III or that the person has not  
 16 complied with section 7 of this chapter, the commission shall  
 17 dismiss the complaint and publish the order dismissing the matter  
 18 in the Indiana Register.

19 Sec. 21. As authorized by 42 U.S.C. 15512, if the commission  
 20 determines that there is a violation of any provision of Title III, the  
 21 commission shall determine and provide the appropriate remedy  
 22 if authorized by law to do so. If providing the remedy would  
 23 require additional or amended Indiana legislation, the commission  
 24 shall notify the census data advisory committee and provide  
 25 recommendations regarding the form and content of this  
 26 legislation.

27 Sec. 22. The secretary of state may file a civil action seeking  
 28 declaratory or injunctive relief to secure or implement a remedy  
 29 determined by the commission to be appropriate under section 21  
 30 of this chapter.

31 Sec. 23. The commission shall forward a written summary of  
 32 any action taken by the commission under section 20 or 21 of this  
 33 chapter by certified mail to:

- 34 (1) the person who filed the complaint;
- 35 (2) the person alleged to have committed the violation; and
- 36 (3) the attorney general.

37 Sec. 24. As required by 42 U.S.C. 15512, the commission shall  
 38 make the final determination regarding the complaint not later  
 39 than ninety (90) days after the date the complaint is filed. The  
 40 person filing the complaint may file a written consent permitting  
 41 the commission to take a longer period to make the final  
 42 determination regarding the complaint.



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1        **Sec. 25.** As required by 42 U.S.C. 15512, if the commission fails  
 2        to make the final determination regarding the complaint within the  
 3        period applicable to the complaint under section 24 of this chapter,  
 4        the complaint shall be resolved not later than sixty (60) days after  
 5        the deadline applicable to the complaint under section 24 of this  
 6        chapter.

7        **Sec. 26.** A complaint described by section 25 of this chapter shall  
 8        be resolved by referral to an arbitrator selected jointly by the  
 9        commission and the person who filed the complaint.

10       **Sec. 27.** As provided by 42 U.S.C. 15512, the record and other  
 11       materials from any proceedings conducted by the commission shall  
 12       be made available for use by the arbitrator.

13       **Sec. 28.** The arbitrator shall file a report with the election  
 14       division setting forth the resolution of the complaint. The report  
 15       must specify the following:

16       (1) Whether a violation of Title III has occurred or was about  
 17       to occur when the complaint was filed.

18       (2) The appropriate remedy to correct any violation.

19       (3) Whether providing the remedy would require additional  
 20       or amended Indiana legislation or a civil action for  
 21       declaratory or injunctive relief.

22       (4) Any other information and recommendations necessary to  
 23       fully provide any appropriate relief under this chapter.

24       **SECTION 15.** IC 3-6-5-17, AS AMENDED BY P.L.212-2001,  
 25       SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26       JULY 1, 2003]: Sec. 17. (a) Each county election board shall submit a  
 27       report to the election division after each primary, special, municipal,  
 28       and general election describing the activities of the board during the  
 29       previous year. The board shall include the following in the report:

30       (1) Information relating to the expenses of office maintenance and  
 31       elections within the county or political subdivisions within the  
 32       county.

33       (2) A copy of the statement of the county election board  
 34       containing the votes cast for each candidate and on each public  
 35       question in each precinct at the last election preceding the  
 36       submission of the report.

37       (3) Any additional information relating to elections that the  
 38       commission prescribes.

39       (b) The report described in subsection (a) must be postmarked, ~~or~~  
 40       hand delivered, **or transmitted** to the election division **using the**  
 41       **computerized list under IC 3-7-26.3** not later than fourteen (14) days  
 42       after each election.



(c) The election division shall send a copy of each report to the office not later than ten (10) days after receiving the report.

SECTION 16. IC 3-6-5-17.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 17.5. (a) As required by 42 U.S.C. 1973ff-1(c), each county election board shall submit a report to the election division after each general election setting forth the combined number of absentee ballots:**

**(1) transmitted by the county election board to absent uniformed services voters and overseas voters for the election; and**

**(2) returned by absent uniformed services voters and overseas voters and cast in the election.**

**(b) The report must be:**

**(1) postmarked or hand delivered to the election division not later than fourteen (14) days after the election; and**

**(2) in the form prescribed by the federal Election Assistance Commission under Section 703(b) of HAVA (42 U.S.C. 1973ff-1 (note)).**

SECTION 17. IC 3-6-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 23. (a)** A county election board may appoint and at its pleasure remove clerks, custodians, and other employees that are necessary in the execution of its powers. The county election board may determine the duties, rank, and salaries of its appointees.

**(b) The county election board may employ students enrolled at institutions of higher education (including community colleges) to assist in the administration of elections by serving as nonpartisan assistants, in accordance with the requirements of the Help America Vote College Program conducted by the Election Assistance Commission under 42 U.S.C. 15521.**

SECTION 18. IC 3-6-5.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 5.1. County Procedures for Resolving Administrative Complaints Concerning Uniform and Nondiscriminatory Election Technology and Administrative Requirements Under Title III of the Help America Vote Act of 2002**

**Sec. 1. This chapter applies after December 31, 2003.**

**Sec. 2. As used in this chapter, "Title III" refers to Title III of HAVA (42 U.S.C. 15481 through 15485).**

**Sec. 3. This chapter establishes a county based administrative**

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1 complaint procedure to supplement the state based administrative  
 2 complaint procedure under IC 3-6-4.5 to remedy grievances  
 3 concerning uniform and nondiscriminatory election technology  
 4 and administrative requirements under Title III. A person who  
 5 files a complaint under this chapter retains the right to file a  
 6 complaint with the election division under IC 3-6-4.5.

7 Sec. 4. The remedies provided under this chapter are  
 8 supplemental to any other remedies provided to an aggrieved party  
 9 under this title.

10 Sec. 5. The procedures prescribed by this chapter must be  
 11 uniform and nondiscriminatory.

12 Sec. 6. A person who believes there is a violation of any  
 13 provision of Title III, including a violation that has occurred, is  
 14 occurring, or is about to occur, may file a complaint with the  
 15 circuit court clerk of the county where the violation occurred, is  
 16 occurring, or is about to occur.

17 Sec. 7. A complaint filed under this chapter must be written,  
 18 signed, and sworn to before an individual authorized to administer  
 19 an oath under IC 33-16-4.

20 Sec. 8. The complaint filed under section 6 of this chapter must  
 21 state the following:

22 (1) The name and mailing address of the person alleged to be  
 23 committing the violation of Title III described in the  
 24 complaint.

25 (2) Whether the person filing the complaint has filed a  
 26 complaint concerning the violation with the election division  
 27 under IC 3-6-4.5.

28 (3) The nature of the injury suffered (or about to be suffered)  
 29 by the person filing the complaint.

30 Sec. 9. The circuit court clerk shall promptly provide a copy of  
 31 the complaint by first class mail to the members of the county  
 32 election board and the persons identified in the complaint.

33 Sec. 10. If the county election board is notified at any time that  
 34 the person who filed a complaint under this chapter has filed a  
 35 complaint with the election division under IC 3-6-4.5 regarding this  
 36 matter, the county election board shall dismiss the proceeding  
 37 under this chapter.

38 Sec. 11. This section applies if the complaint alleges that the  
 39 circuit court clerk has committed the violation. The aggrieved  
 40 person shall file the complaint with the chair of the county election  
 41 board. The chair shall perform the duties otherwise performed by  
 42 the circuit court clerk concerning a complaint.



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1       **Sec. 12. The county election board may consolidate complaints**  
 2       **filed under this chapter.**

3       **Sec. 13. The circuit court clerk shall determine whether a**  
 4       **complaint filed under this chapter describes a violation of Title III**  
 5       **if the facts set forth in the complaint are assumed to be true. The**  
 6       **circuit court clerk may consult with the election division in making**  
 7       **this determination. If the circuit court clerk determines that:**

8               **(1) even if the facts set forth in the complaint are assumed to**  
 9               **be true, there is no violation of Title III; or**

10              **(2) that the person has not complied with section 7 of this**  
 11              **chapter;**

12       **the circuit court clerk shall dismiss the complaint and publish**  
 13       **notice of the order dismissing the matter in accordance with**  
 14       **IC 5-3-1.**

15       **Sec. 14. If the circuit court clerk dismisses a complaint under**  
 16       **section 13 of this chapter, the circuit court clerk shall provide a**  
 17       **copy of this determination by certified mail to:**

18              **(1) the person who filed the notice;**

19              **(2) the person alleged to have committed the violation;**

20              **(3) the members of the county election board; and**

21              **(4) the election division.**

22       **Sec. 15. If the circuit court clerk determines that the complaint**  
 23       **alleges a violation of Title III if the facts alleged in the complaint**  
 24       **are assumed to be true and that the person has complied with**  
 25       **section 7 of this chapter, the circuit court clerk shall conduct an**  
 26       **investigation under IC 3-6-5.**

27       **Sec. 16. The circuit court clerk, upon completing the**  
 28       **investigation, shall submit the results of the investigation to the**  
 29       **county election board, which shall then issue a written report. The**  
 30       **circuit court clerk shall provide a copy of the report by certified**  
 31       **mail to:**

32              **(1) the person who filed the complaint;**

33              **(2) the person alleged to have committed the violation;**

34              **(3) the members of the county election board; and**

35              **(4) the election division.**

36       **Sec. 17. The report described in section 16 of this chapter must:**

37              **(1) indicate the date when the complaint alleging the violation**  
 38              **was received by the county election board;**

39              **(2) contain findings of fact regarding the alleged violation and**  
 40              **state whether a violation of Title III has occurred or appeared**  
 41              **to be likely to occur when the complaint was filed;**

42              **(3) state what steps, if any, the person alleged to have**

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committed the violation has taken to correct the violation or to prevent a reoccurrence of the violation;

(4) suggest any additional measures that could be taken to correct a violation;

(5) indicate the date when a violation was corrected or is expected to be corrected; and

(6) provide any additional information or recommendations useful in resolving this complaint.

Sec. 18. At the request of the person filing a complaint, or at the request of a member of the county election board, the board shall conduct a hearing on the complaint and prepare a record of the hearing. This request must be filed not later than noon seven (7) days after the report was mailed under section 16 of this chapter.

Sec. 19. After concluding the hearing, the county election board shall:

(1) affirm the report;

(2) amend the report;

(3) refer the matter to the circuit court clerk for further investigation and submission of a subsequent report to the county election board; or

(4) refer the matter to the election division.

Sec. 20. If the county election board determines that based on the evidence presented, there is no violation of any provision of Title III or that the person has not complied with section 7 of this chapter, the county election board shall dismiss the complaint and publish notice of the order dismissing the matter in accordance with IC 5-3-1.

Sec. 21. If the county election board determines that there is a violation of any provision of Title III, the county election board shall determine and provide the appropriate remedy if authorized by law to do so. If the county election board determines that it is not authorized by law to provide the appropriate remedy, the county election board shall dismiss the complaint.

Sec. 22. The county election board shall forward a written summary of any action taken by the commission under section 20 or 21 of this chapter by certified mail to:

(1) the person who filed the complaint;

(2) the person alleged to have committed the violation; and

(3) the election division.

SECTION 19. IC 3-6-6-13, AS AMENDED BY P.L.126-2002, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A county election board shall fill a vacancy

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in a precinct election office before the hour set for the opening of the polls, upon the nomination of the appropriate county chairman.

(b) This subsection applies to a precinct election office when, at noon, fourteen (14) days before election day, the appropriate county chairman has made no nomination for the office. The county election board, by unanimous vote of the entire membership of the board, may fill the office by appointing an individual who would be eligible to serve in the office if nominated by the county chairman.

**(c) If a vacancy is filled by the county election board under subsection (b), the board may, by unanimous vote of the entire membership of the board, fill the office by appointing a student:**

**(1) enrolled at an institution of higher education (including a community college); and**

**(2) who is a registered voter of the county; to serve as a nonpartisan precinct election officer.**

SECTION 20. IC 3-6-6-39, AS ADDED BY P.L.126-2002, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 39. **(a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to be a poll clerk or an election sheriff serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:**

**(1) The individual is at least sixteen (16) years of age but not more than seventeen (17) years of age.**

**(2) The individual is a citizen of the United States.**

**(3) The individual is a resident of the county.**

**(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.**

**(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.**

**(6) The individual has the approval of the individual's parent or legal guardian.**

**(7) The individual has satisfactorily completed any training required by the county election board.**

**(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.**

**(b) After January 1, 2004, an individual appointed to a precinct election office or assistant under this section must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 1526.**



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1 SECTION 21. IC 3-7-11-2 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The NVRA official  
 3 shall do the following:

4 (1) Coordinate with the commission to oversee the  
 5 implementation and administration of NVRA by the state, county,  
 6 municipal, and nongovernmental offices designated as  
 7 registration sites under this article.

8 (2) Develop training programs to assist the offices described in  
 9 subdivision (1) in properly administering registration services.

10 (3) Protect the fundamental rights of voters.

11 (4) Consult with the federal Election **Assistance** Commission  
 12 under 42 U.S.C. 1973gg-7 to develop a federal mail registration  
 13 form.

14 (5) Comply with 42 U.S.C. 1973gg-4(b) by making federal and  
 15 state mail registration forms available for distribution through  
 16 governmental and private entities, with particular emphasis on  
 17 making the forms available for organized voter registration  
 18 programs.

19 (6) Comply with 42 U.S.C. 1973gg-6(g) by notifying a county  
 20 registration officer whenever the NVRA official receives  
 21 information from a United States attorney that:

22 (A) a person has been convicted of a felony in a district court  
 23 of the United States; or

24 (B) the conviction has been overturned.

25 (7) Receive notices from voter registration agencies in other states  
 26 indicating that a person has registered in that state and requests  
 27 that the person's registration in Indiana be canceled.

28 (8) Forward notices received under subdivision (7) to the  
 29 appropriate circuit court clerk or board of registration for  
 30 cancellation of the voter's registration as provided in 42 U.S.C.  
 31 1973gg-6(a)(3)(A).

32 (9) Assist the federal Election **Assistance** Commission under 42  
 33 U.S.C. 1973gg-7(a)(3) by preparing reports concerning the impact  
 34 of NVRA on election administration in Indiana.

35 (10) Recommend improvements to the Federal Election  
 36 Commission concerning federal and state procedures, forms, or  
 37 other matters affected by NVRA.

38 (11) Develop public awareness programs to assist voters in  
 39 understanding the services available to them under NVRA.

40 SECTION 22. IC 3-7-11-6 IS AMENDED TO READ AS  
 41 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. If the NVRA official  
 42 determines that the notice alleges a violation of NVRA or this article

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if the facts set forth in the notice are assumed to be true, the NVRA official shall conduct an investigation under ~~IC 3-6-4~~. **IC 3-6-4.2.**

SECTION 23. IC 3-7-12-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. (a) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.

(b) The report must include the following:

(1) A statement of the number of voters registered in each precinct of the county as of December 31 of the preceding year.

(2) Any revisions to the county NVRA implementation plan adopted during the preceding year.

(3) Other data prescribed by the division.

**(c) This section expires December 31, 2005.**

SECTION 24. IC 3-7-12-28.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 28.1. (a) This section applies after December 31, 2005.**

**(b) In addition to the reports required for the statewide voter file, the county voter registration office shall file a report with the election division not later than noon January 31 of each year.**

**(c) The report must include the following:**

**(1) Any revisions to the county NVRA implementation plan adopted during the preceding year.**

**(2) Other data prescribed by the division.**

SECTION 25. IC 3-7-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 38. After concluding the hearing, the county election board shall:

(1) affirm the report;

(2) amend the report;

(3) refer the matter to the **circuit court** clerk for further investigation and submission of a subsequent report to the board;

or

(4) refer the matter to the NVRA official.

SECTION 26. IC 3-7-13-13, AS AMENDED BY P.L.126-2002, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, when an individual registers to vote, the individual must provide the individual's driver's license number issued under IC 9-24-11 ~~or the individual's identification card number issued under IC 9-24-16~~. **as provided under 42 U.S.C. 15483.**

(b) If an individual does not have a driver's license issued under

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1 IC 9-24-11, ~~or an identification card issued under IC 9-24-16~~, the  
 2 individual must provide the last four (4) digits of the individual's Social  
 3 Security number when the individual registers to vote, **as provided**  
 4 **under 42 U.S.C. 15843.**

5 (c) **This subsection applies after December 31, 2005. As required**  
 6 **under 42 U.S.C. 15483, if an individual does not have a Social**  
 7 **Security number, the election division shall assign the individual a**  
 8 **number to be associated with the individual's registration in the**  
 9 **computerized list maintained under IC 3-7-26.3. If the individual**  
 10 **has an identification card number issued under IC 9-24-16, the**  
 11 **election division shall assign that number as the voter's number**  
 12 **under this subsection. If the individual does not have an**  
 13 **identification card number issued under IC 9-24-16, the election**  
 14 **division shall assign a unique identifying number to the voter's**  
 15 **registration record in the computerized list, as provided under 42**  
 16 **U.S.C. 15483.**

17 (d) The number provided by the individual under subsection (a) or  
 18 (b), **or the number assigned to the individual under subsection (c),**  
 19 is the individual's voter identification number.

20 ~~(d)~~ (e) A voter's voter identification number may not be changed  
 21 unless:

22 (1) the voter made an error when providing the number when  
 23 registering to vote;

24 (2) the election division or a county voter registration office  
 25 made an error when entering the number into the  
 26 computerized list under IC 3-7-26.3;

27 (3) the voter obtains or provides a driver's license number  
 28 under IC 9-24-11 or a Social Security number after the voter  
 29 was assigned a number under subsection (c); or

30 (4) the voter ceases to have a driver's license number under  
 31 IC 9-24-11 after the voter provided that number under  
 32 subsection (a).

33 ~~(e)~~ (f) If a voter transfers the voter's registration and the voter's voter  
 34 identification number is not included in the voter's registration records,  
 35 the voter registration officer of the county in which the voter's  
 36 registration is to be transferred shall require the voter to provide the  
 37 number required by subsection (a) or (b) before the voter's registration  
 38 is transferred. **If, after December 31, 2005, the voter does not have**  
 39 **either of the numbers described in subsection (a) or (b), a voter**  
 40 **identification number shall be assigned to the voter under**  
 41 **subsection (c).**

42 SECTION 27. IC 3-7-22-1 IS AMENDED TO READ AS



1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter  
 2 prescribes procedures for voter registration by mail as provided in 42  
 3 U.S.C. 1973gg-4 **and after December 31, 2003, 42 U.S.C. 15483.**

4 SECTION 28. IC 3-7-22-2 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. As provided in 42  
 6 U.S.C. 1973gg-4(a)(1) **and after December 31, 2003, 42 U.S.C.**  
 7 **15483, a circuit court clerk or board of county voter registration office**  
 8 shall accept and use the mail voter registration form prescribed by the  
 9 federal Election Assistance Commission under 42 U.S.C.  
 10 1973gg-7(a)(2).

11 SECTION 29. IC 3-7-22-3 IS AMENDED TO READ AS  
 12 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As provided in 42  
 13 U.S.C. 1973gg-4(a)(2) **and after December 31, 2003, 42 U.S.C.**  
 14 **15483, a circuit court clerk or board of county voter registration office**  
 15 shall accept and use a mail voter registration form prescribed by the  
 16 commission that complies with 42 U.S.C. 1973gg-7(b)(2), **42 U.S.C.**  
 17 **15483 after December 31, 2003,** and this article.

18 SECTION 30. IC 3-7-22-4 IS AMENDED TO READ AS  
 19 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A mail  
 20 registration form prescribed under section 3 of this chapter may only  
 21 require information necessary to enable the ~~circuit court clerk or board~~  
 22 **of county voter registration office** to do the following:

23 (1) Assess the eligibility of the applicant, **including after**  
 24 **December 31, 2003, the eligibility of the applicant under 42**  
 25 **U.S.C. 15483.**

26 (2) Administer the voter registration and election process.

27 (b) The information required under subsection (a) may include the  
 28 following:

29 (1) The signature of the applicant.

30 (2) Data relating to previous registration by the applicant.

31 (c) The form may not include any requirement for notarization or  
 32 other formal authentication.

33 SECTION 31. IC 3-7-22-5 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. A mail registration  
 35 form prescribed under section 3 of this chapter must meet the following  
 36 requirements:

37 (1) The form must include a statement that does the following:

38 (A) Sets forth each eligibility requirement for registration  
 39 (including citizenship).

40 (B) Contains an attestation that the applicant meets each of the  
 41 eligibility requirements.

42 (C) Requires the signature of the applicant, under penalty of

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(2) The form must include, in print that is identical to the print used in the attestation part of the application, information setting forth the penalties provided by law for submission of a false voter registration application.

(3) After December 31, 2003, the question "Are you a citizen of the United States of America?" and boxes for the applicant to check to indicate whether the applicant is or is not a citizen of the United States.

(4) After December 31, 2003, the question "Will you be 18 years of age on or before election day?" and boxes for the applicant to check to indicate whether or not the applicant will be eighteen (18) years of age on or before election day.

(5) After December 31, 2003, a statement informing the individual that if the form is submitted by mail and the individual is registering for the first time, the appropriate information required under 42 U.S.C. 15483 must be submitted with the mail-in registration form in order to avoid the additional identification requirements upon voting for the first time.

SECTION 32. IC 3-7-26-2, AS AMENDED BY P.L.199-2001, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The election division shall develop and maintain a statewide voter registration file.

(b) ~~Subject to section 20 of this chapter, not later than July 1, 2004, the election division shall maintain the statewide voter registration file so that the file is accessible by the election division and county voter registration offices through a secure connection over the Internet.~~

SECTION 33. IC 3-7-26-3, AS AMENDED BY P.L.199-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) Each county voter registration office shall provide the voter registration information required under section 7 of this chapter to the election division.

(b) The **county** voter registration office shall periodically update the voter registration information as provided in this chapter and in IC 3-7-38.1.

(c) ~~The election division shall format the statewide voter registration file required under section 2(b) of this chapter so that only the county voter registration office of a particular county is able to change data in the file for that particular county's voters.~~

SECTION 34. IC 3-7-26-8, AS AMENDED BY P.L.199-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 8. (a) Until a county has the capability to transmit the information over the Internet, ~~as required under subsection (b);~~ the information required by section 7 of this chapter shall be provided on magnetic media or other machine readable form to the election division.

(b) ~~Subject to section 20 of this chapter, not later than July 1, 2004;~~ A county voter registration office **that has the capacity to transmit the information over the Internet** shall transmit the information required by section 7 of this chapter to the election division over the Internet, in a manner and using a method prescribed by the election division, through a secure connection to the statewide voter registration file.

(c) The ~~commission~~ **election division** shall prescribe a format to ensure the standardization and readability of the data provided under subsection (a) or (b).

SECTION 35. IC 3-7-26-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21. This chapter expires January 1, 2006.**

SECTION 36. IC 3-7-26.3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

**Chapter 26.3. Statewide Voter Registration List**

**Sec. 1. This chapter applies after December 31, 2005.**

**Sec. 2. As used in this chapter, "computerized list" refers to the statewide voter registration list established under section 3 of this chapter.**

**Sec. 3. As required under 42 U.S.C. 15483, and not later than January 1, 2006, the secretary of state shall implement, in a uniform and nondiscriminatory manner, a single, uniform, official, centralized, and interactive statewide voter registration list under this chapter.**

**Sec. 4. As required under 42 U.S.C. 15483, the computerized list must:**

- (1) be defined, maintained, and administered at the state level;
- (2) contain the name and registration information of every voter in Indiana; and
- (3) assign a unique identifier to each voter in Indiana.

**Sec. 5. In accordance with 42 U.S.C. 15483, the computerized list serves as:**

- (1) the single system for storing and managing the official list of voters throughout Indiana; and
- (2) the official voter registration list for the conduct of all





elections in Indiana.

Sec. 6. As required under 42 U.S.C. 15483, the computerized list must be coordinated with other agency data bases within Indiana.

Sec. 7. As required under 42 U.S.C. 15483, each county voter registration office, the election division, and the secretary of state must be able to obtain immediate electronic access to the information contained in the computerized list.

Sec. 8. The computerized list must be formatted so that only the county voter registration office of a county may change data in the file concerning the voters registered in that county.

Sec. 9. As required under 42 U.S.C. 15483, a county voter registration office must electronically enter all voter registration information obtained by the county voter registration office into the computerized list on an expedited basis at the time the information is provided to the county voter registration office.

Sec. 10. As required under 42 U.S.C. 15483, the secretary of state shall provide the support required for the county voter registration office to enter the information under section 8 of this chapter into the computerized list.

Sec. 11. As required under 42 U.S.C. 15483, the county voter registration office shall perform list maintenance with respect to the computerized list on a regular basis. The list maintenance activity required under this section includes the removal of an individual from the list when required by this article and NVRA following:

- (1) the death of the individual;
- (2) the individual's confirmation that the individual resides outside the county in which the individual is registered; or
- (3) an inactive voter's failure to respond to a notice or otherwise act in accordance with 42 U.S.C. 1973gg-6 to require the voter's registration to be reclassified as active within the period prescribed by NVRA.

Sec. 12. As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list with the department of correction records concerning individuals disfranchised under IC 3-7-46.

Sec. 13. As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list with the state department of health concerning individuals identified as deceased under IC 3-7-45.

Sec. 14. As required under 42 U.S.C. 15483, the computerized list maintenance performed under sections 11 through 13 of this

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chapter must ensure that:

- (1) the name of each voter appears in the computerized list;
- (2) only voters who are not eligible to vote are removed from the computerized list; and
- (3) duplicate names of an individual voter are eliminated from the computerized list.

Sec. 15. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall provide adequate technological security measures to prevent unauthorized access to the computerized list.

Sec. 16. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall ensure that voter registration records are accurate and updated regularly.

Sec. 17. As required under 42 U.S.C. 15483, the election division and each county voter registration office shall perform the list maintenance required under NVRA to ensure that inactive voters described in section 11(3) of this chapter and 42 U.S.C. 1973gg-6(d)(1)(B) are removed from the official list of eligible voters.

Sec. 18. As required under 42 U.S.C. 15483, the secretary of state and the bureau of motor vehicles commission shall enter into an agreement to match information in the computerized list data base with information in the data base of the bureau of motor vehicles commission to enable the election division (acting on behalf of the secretary of state) and the commission to verify the accuracy of the information provided on voter registration applications.

Sec. 19. (a) As required under 42 U.S.C. 15483, the bureau of motor vehicles commission shall enter into an agreement with the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A) to verify information set forth on voter registration applications.

(b) The following information is subject to verification under this section:

- (1) Whether the name (including the first name and any family forename or surname), date of birth (including month, day, and year), and Social Security number of an individual provided to the Commissioner of Social Security match the information contained in the Commissioner's records.
- (2) Whether the individual is shown in the records of the Commissioner of Social Security as deceased.

Sec. 20. As required by 42 U.S.C. 15483, the agreement under section 19 of this chapter must include:

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- (1) safeguards to assure the maintenance of the confidentiality of any information disclosed to the bureau;
- (2) procedures to permit the bureau to use the information to maintain the bureau's records; and
- (3) procedures to permit the election division to coordinate the records of the computerized list established under this chapter with the bureau's data base as provided by section 6 of this chapter.

Sec. 21. As provided by 42 U.S.C. 15483, the information provided by the Commissioner of Social Security or by an individual to the bureau of motor vehicles is confidential. The information may be used only for the purposes described under 42 U.S.C. 15483 and sections 19 and 20 of this chapter.

Sec. 22. The computerized list must contain the following information concerning each voter:

- (1) Name.
- (2) Date of birth.
- (3) Gender.
- (4) The physical address of the voter (in a city or town where a street address is insufficient to provide delivery by the United States Postal Service).
- (5) The mailing address of the voter, as recognized by the local United States Postal Service office.
- (6) Precinct.
- (7) Residence in any city or town, including city and town council district (if the voter resides in a town that has not abolished town council districts under IC 36-5-2).
- (8) Township.
- (9) State representative district.
- (10) State senate district.
- (11) Congressional district.
- (12) Telephone number, if available.
- (13) Date of registration.
- (14) Voting history for the previous ten (10) year period if available.
- (15) Voter identification number.
- (16) Any unique identifier for the voter established by a county voter registration office before the establishment of the statewide voter registration file under this chapter.
- (17) Information concerning whether the voter signed a petition submitted to the county voter registration office under IC 3-8-2, IC 3-8-3, or IC 3-8-6.



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(18) Information concerning whether a voter applied to cast an absentee ballot in an election and whether the absentee ballot was returned and cast.

Sec. 23. The computerized list must compile the physical address and mailing address of a voter in separate data fields and generate the ZIP Code + 4 designation for each address entered into the system if that designation is available from the United States Postal Service.

Sec. 24. The election division shall act under IC 5-14-3-3(b) to adopt a uniform nondiscriminatory policy regarding the duplication of a complete and undivided compilation of the information contained in the computerized list.

Sec. 25. The election division may not provide any division of the compilation of the information in the computerized list except:

- (1) as expressly provided in this chapter;
- (2) to perform voter list maintenance duties required by 42 U.S.C. 15483; or
- (3) to redact voter registration information declared confidential under a court order or IC 5-26.5-2.

Sec. 26. Upon request, and not later than five (5) days after the request is filed with the election division, the election division shall provide a complete compilation of the information contained in the computerized list, including any format information or other information necessary to decode the data, to any of the following entities:

- (1) The state committee of any major political party.
- (2) The state organization of any bona fide political party that is not a major political party if the party has at least two (2) candidates on the ballot in the next election.
- (3) The committee of an independent candidate for federal or state office if the candidate is on the ballot in the next general election.
- (4) Any member of the media for publication in a news broadcast or newspaper.
- (5) Each of the following:
  - (A) The speaker of the house of representatives.
  - (B) The minority leader of the house of representatives.
  - (C) The president pro tempore of the senate.
  - (D) The minority leader of the senate.

Sec. 27. The election division shall promptly notify an entity described in section 26 of this chapter when the compilation requested by the entity is available.



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1       **Sec. 28. (a) This section applies to a person not described in**  
 2 **section 26 of this chapter.**

3       **(b) After a person files a request with the election division for**  
 4 **voter registration information compiled under this chapter, the**  
 5 **election division shall provide a compilation of the information in**  
 6 **the computerized list to the person, redacting the information**  
 7 **described in subsection (c).**

8       **(c) The election division shall not provide information under this**  
 9 **section concerning any of the following information concerning a**  
 10 **voter:**

11       **(1) Date of birth.**

12       **(2) Gender.**

13       **(3) Telephone number.**

14       **(4) Voting history.**

15       **(5) Any voter identification number or other unique field**  
 16 **established to identify a voter.**

17       **(6) The date of registration of the voter.**

18       **(7) Whether a voter has signed a petition.**

19       **(8) Whether a voter has cast an absentee ballot.**

20       **Sec. 29. A person who files a request for a compilation of the**  
 21 **information contained in the computerized list with the election**  
 22 **division under section 26 or 28 of this chapter must execute an**  
 23 **agreement with the election division on a form prescribed under**  
 24 **IC 3-5-4-8.**

25       **Sec. 30. The form described by section 29 of this chapter must**  
 26 **state that the person receiving a compilation of information under**  
 27 **this chapter may not:**

28       **(1) use the compilation to solicit for the sale of merchandise,**  
 29 **goods, services, or subscriptions; or**

30       **(2) sell, loan, give away, or otherwise deliver the information**  
 31 **obtained by the request to any other person (as defined in**  
 32 **IC 5-14-3-2);**

33 **for a purpose other than political activities or political fundraising**  
 34 **activities.**

35       **Sec. 31. The publication of information obtained under section**  
 36 **26 or 28 of this chapter in a news broadcast or newspaper is not**  
 37 **prohibited by this chapter.**

38       **Sec. 32. Notwithstanding IC 5-14-3-8, the election division shall**  
 39 **charge each recipient of a compilation of information under this**  
 40 **chapter a reasonable fee of not more than five thousand dollars**  
 41 **(\$5,000) to recover the cost of compiling and maintaining the**  
 42 **computerized list.**



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1       **Sec. 33. This chapter does not limit the ability of a county voter**  
 2       **registration office to disclose voter registration to a person other**  
 3       **than the election division or change the procedures to be followed**  
 4       **by a county voter registration office in disclosing this information.**

5       **Sec. 34. The computerized list must permit a county voter**  
 6       **registration office to generate the following:**

7           **(1) Lists of voters organized alphabetically and by precinct of**  
 8           **residence.**

9           **(2) Lists of voters (and other documents or reports containing**  
 10          **voter registration information) in the form required under**  
 11          **IC 3-7-28, IC 3-7-29, IC 3-7-35, IC 3-8-5, and IC 3-10-1,**  
 12          **including poll lists containing an optically scanned image of**  
 13          **the signature of the voter on the voter's affidavit of**  
 14          **registration.**

15          **(3) A notice of disposition or acknowledgment of a voter**  
 16          **registration application by a county voter registration office**  
 17          **under IC 3-7-32 or IC 3-7-33.**

18          **(4) Information for preparation of a jury list in the form**  
 19          **required under IC 3-7-35.**

20          **(5) Notices to other county voter registration offices that a**  
 21          **voter of that county may be deceased or disfranchised, for a**  
 22          **final determination by that county in accordance with section**  
 23          **8 of this chapter.**

24          **(6) Notices to other county voter registration offices that a**  
 25          **voter of the other county may have registered to vote in the**  
 26          **county and requested cancellation of the voter's former**  
 27          **registration in the other county, for a final determination by**  
 28          **that county in accordance with section 8 of this chapter.**

29          **(7) Notices to be sent to disfranchised voters under IC 3-7-46.**

30          **(8) Certificates of error issued under IC 3-7-48.**

31          **(9) Reports to the election division required by IC 3-7-12-28**  
 32          **and other statutes for the administration of NVRA.**

33          **(10) Notices to be sent to voters whose congressional district,**  
 34          **legislative district, municipal legislative district, or precinct**  
 35          **designation has changed.**

36          **(11) Notices to be sent to voters regarding the location of the**  
 37          **polling place for the voter's precinct.**

38          **(12) A report of the information provided to the election**  
 39          **division regarding voter registration under IC 9-24-2.5-11,**  
 40          **IC 12-14-1.5-11, IC 12-14-25-10, IC 12-15-1.5-8, and**  
 41          **IC 16-35-1.6.**

42       **Sec. 35. The computerized list must permit a county voter**

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1 registration office to prevent the entry and retention of duplicate  
 2 names of voters on the list in accordance with section 14 of this  
 3 chapter by doing the following:

4 (1) Processing updated or duplicated information on an  
 5 application filed by an individual already listed as a voter of  
 6 the county without creating a duplicate record on the list for  
 7 that voter.

8 (2) Viewing records in the list concerning voters in other  
 9 counties to identify potential duplicate names that would be  
 10 added by the processing of an applicant, subject to section 8  
 11 of this chapter.

12 (3) Submitting information to the election division regarding  
 13 potential duplicate names identified under subdivision (2) to  
 14 assist with list maintenance.

15 **Sec. 36. The computerized list must permit a circuit court clerk**  
 16 **to transmit reports or statements to the election division under**  
 17 **IC 3-6-5 or IC 3-12-5.**

18 **Sec. 37. There is annually appropriated to the election division**  
 19 **from the state general fund an amount sufficient for the election**  
 20 **division to carry out the purposes of this chapter.**

21 SECTION 37. IC 3-7-27-6 IS AMENDED TO READ AS  
 22 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) As required  
 23 under 42 U.S.C. 1973gg-6(i), a county voter registration office shall  
 24 retain records concerning the implementation of programs and  
 25 activities conducted for the purpose of ensuring the accuracy and  
 26 currency of the voter registration list. These records include the  
 27 following:

28 (1) Lists of names and addresses of voters who were sent notices  
 29 under the voter list maintenance program.

30 (2) Information concerning whether a voter has responded to a  
 31 notice described by subdivision (1) as of the date the inspection  
 32 of the record is made.

33 (b) The county voter registration office shall retain the records  
 34 described by this section for at least two (2) years. Except for records  
 35 concerning declinations to register to vote or that indicate the identity  
 36 of a voter registration agency where a person registered, the county  
 37 voter registration office shall make the records available for public  
 38 inspection and photocopying at a reasonable cost as provided in  
 39 IC 5-14-3.

40 (c) ~~This subsection applies to a county that maintains voter~~  
 41 ~~registration information on a computerized system.~~ In accordance with  
 42 IC 5-14-3-3(g) and notwithstanding any other statute, a county voter

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1 registration office shall, with regard to voter registration information  
 2 **concerning voters of the county** on a computerized system, act in  
 3 accordance with a nondiscriminatory uniform policy adopted by the  
 4 county election board. The policy must either permit a person to  
 5 duplicate or obtain a duplicate copy of a computer tape, computer disc,  
 6 microfilm, or other similar record system that contains this voter  
 7 registration information or not permit the person to duplicate or obtain  
 8 a duplicate copy of the information.

9 (d) A person who requests computerized voter registration  
 10 information under subsection (c) must provide a written statement that  
 11 the person will not:

12 (1) use the information to solicit merchandise, goods, services, or  
 13 subscriptions; or

14 (2) sell, loan, give away, or otherwise deliver the information  
 15 obtained by the request to any other person;

16 for a purpose other than political activities or political fundraising  
 17 activities.

18 (e) Publication of information obtained under subsection (d) in a  
 19 news broadcast or newspaper is not prohibited.

20 SECTION 38. IC 3-7-27-20 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. (a) This section  
 22 applies:

23 **(1) before January 1, 2006; and**

24 **(2) to a county that maintains voter registration information in a**  
 25 **computerized system.**

26 (b) The county voter registration office shall prepare an entry in the  
 27 computerized system that accurately reflects the information set forth  
 28 in the original affidavit of registration **and, if the applicant was**  
 29 **required to provide documentation under IC 3-7-33-4.5, whether**  
 30 **the required documentation has been provided.**

31 **(c) If the documentation required under IC 3-7-33-4.5 has been**  
 32 **provided, the entry must include the following:**

33 **(1) The date the documentation was filed with the county**  
 34 **voter registration office.**

35 **(2) Whether the documentation was filed with the county**  
 36 **voter registration office:**

37 **(A) by a precinct election board after the person voted in**  
 38 **person at the polling place;**

39 **(B) by the county election board after the person applied**  
 40 **to cast an absentee ballot; or**

41 **(C) by the applicant as part of the original filing of the**  
 42 **application to register to vote, or in a subsequent filing**

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received by the county voter registration office.

**(3) A brief description of the type of documentation provided.**  
**The election division shall provide each county voter registration office with a suggested coding system for identifying the types of documentation.**

**(d)** However, the county voter registration office is only required to enter a voter's voting history for the previous ten (10) years if that history is available.

**(e)** The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.

**(f)** The computerized system must be able to generate lists of voters organized alphabetically and by precinct of residence.

SECTION 39. IC 3-7-27-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 20.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office shall prepare an entry in the computerized system that accurately reflects the information set forth in the original affidavit of registration. However, the county voter registration office is required to enter a voter's voting history for the previous ten (10) years only if that history is available.**

**(c) The county voter registration office is not required to prepare a duplicate paper copy of a registration properly entered into the computerized system.**

SECTION 40. IC 3-7-27-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21. (a) This section applies:**

**(1) before January 1, 2006; and**

**(2) to a county whose voter registration records are maintained on a computerized system described by section 20 of this chapter.**

**(b) The circuit court clerk or board of county voter registration office is not required to maintain duplicate paper copies of original registrations if the county maintains a regularly updated copy of the computerized record at a secure location outside of the county voter registration office of the circuit court clerk or board of registration that would prevent loss of registration information if the records in the county voter registration office of the circuit court clerk or board of registration were not available.**

**(c) Notwithstanding IC 5-15, a circuit court clerk or board of county voter registration office may dispose of duplicate paper copies of**

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original registrations made before January 1, 1995, by destroying the duplicate paper copies.

SECTION 41. IC 3-7-27-21.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 21.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office is not required to maintain duplicate paper copies of original registrations.**

**(c) Notwithstanding IC 5-15, a county voter registration office may dispose of duplicate paper copies of original registrations made before January 1, 2006, by destroying the duplicate paper copies.**

SECTION 42. IC 3-7-27-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. (a) This section applies **before January 1, 2006**, to a county whose voter registration records are maintained on a computerized system described by section 20 of this chapter. **After December 31, 2005, this section applies to all counties.**

**(b) Before January 1, 2006, the circuit court clerk or board of county voter registration office may maintain the original affidavits of registration in a secure location outside of the county voter registration office of the circuit court clerk or board of registration if:**

(1) the county maintains a regularly updated copy of the computerized record as described in section 21(b) of this chapter; and

(2) the original affidavits are not located in the same location as the updated copy of the computerized record.

**After December 31, 2005, the county voter registration office may maintain the original affidavits of registration in a secure location outside the county voter registration office.**

SECTION 43. IC 3-7-27-23, AS ADDED BY P.L.176-1999, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) This section applies to a county that maintains voter registration information in a computerized system.

**(b) If a county voter registration office enters into a contract to acquire voter registration computer software provided by a person other than a person who:**

(1) had previously furnished the voter registration computer software to the county; or

(2) is currently providing technical assistance regarding the computer software to the county voter registration office;

**the county voter registration office shall notify the person who**

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furnished the software or is providing support for the software of this determination. This notice shall be sent by certified mail, return receipt requested, to the most recent address provided to the county by this person.

(c) Not later than sixty (60) days after the county voter registration office mails the notice described in subsection (b), the person receiving the notice shall provide the person who has entered into a contract with the county voter registration office with information concerning the specifications for the computer software program furnished to the county or supported by that person. A person is not required to provide proprietary information to another person under this subsection but is required to act in good faith to permit the county voter registration office to install the voter registration software supplied by another person.

**(d) This section expires January 1, 2006.**

SECTION 44. IC 3-7-29-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Not later than ten (10) days before the election at which the registration record is to be used, the ~~circuit court clerk or board of registration~~ **county voter registration office** shall prepare certified copies of the list of registered voters for each precinct in the county.

(b) The lists must contain the **following information concerning each registered voter:**

**(1) The full name of the voter.**

**(2) The address and of the voter.**

**(3) The assigned county identification number. of each registered voter.**

**(4) After December 31, 2003, whether the voter is required to provide additional identification before voting either in person or by absentee ballot.**

(c) The names shall be arranged in the same order as they are in the registration record of the precinct.

SECTION 45. IC 3-7-29-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. **(a) This subsection applies before January 1, 2006.** When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the ~~circuit court clerk or board of registration~~ **county voter registration office:**

(1) in a county whose registration records are not maintained on a computerized system described by IC 3-7-27-20, the duplicate copy of the registration record; or

(2) in a county with a computerized registration system, the



certified copies of the registration record of the precinct with the information required under section 1 of this chapter; and other necessary registration supplies.

**(b) This subsection applies after December 31, 2005. When the inspector of a precinct procures the ballots and other election supplies for an election, the inspector shall also procure from the county voter registration office the certified copies of the registration record of the precinct with the information required under section 1 of this chapter and other necessary registration supplies.**

SECTION 46. IC 3-7-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **(a) This subsection applies before January 1, 2006.** The ~~circuit court clerk or board of registration~~ **county voter registration office** in a county with a computerized registration system may also provide the inspector of each precinct in the county with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.5 or IC 3-11-8-25.

**(b) This subsection applies after December 31, 2005. The county voter registration office may also provide the inspector of each precinct in the county with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.5 or IC 3-11-8-25.**

SECTION 47. IC 3-7-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As required under 42 U.S.C. 1973gg-6(a)(6), the records of **the statewide voter registration system or a circuit court clerk or board of registration county voter registration office** indicating the identity of the voter registration agency through which an individual registered ~~is~~ **are** confidential.

SECTION 48. IC 3-7-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Certain uses of information from the statewide voter file are prohibited:

**(1) before January 1, 2006, under IC 3-7-26;**

**(2) after December 31, 2005, under IC 3-7-26.3.**

SECTION 49. IC 3-7-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. Certain voter registration information in the statewide voter registration file maintained by the election division:

**(1) under IC 3-7-26 before January 1, 2006; and**

**(2) under IC 3-7-26.3 after December 31, 2005;**

is confidential.

SECTION 50. IC 3-7-33-2 IS AMENDED TO READ AS

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1       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) **This section**  
 2       **applies before January 1, 2006.**

3       (b) ~~A circuit court clerk or board of registration~~ **county voter**  
 4       **registration office** shall compare a registration form that has been  
 5       received by the ~~clerk or board~~ **county voter registration office** with  
 6       the registration record and determine if the individual has already  
 7       registered according to the records of the ~~clerk or board~~ **county voter**  
 8       **registration office.**

9       SECTION 51. IC 3-7-33-2.1 IS ADDED TO THE INDIANA CODE  
 10       AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 11       1, 2003]: Sec. 2.1. (a) **This section applies after December 31, 2005.**

12       (b) **A county voter registration office shall compare a**  
 13       **registration form that has been received by the county voter**  
 14       **registration office with the statewide voter registration file and**  
 15       **determine if the individual has already registered in the county**  
 16       **according to the statewide voter registration file.**

17       (c) **If the county voter registration office determines that an**  
 18       **applicant for registration may be the same individual as a voter**  
 19       **listed in the statewide voter registration file as a voter of another**  
 20       **county, the county voter registration office shall notify:**

21               (1) **the election division; and**

22               (2) **the county voter registration office of the county where the**  
 23               **address set forth on the previous voter registration is located;**  
 24       **regarding the potential duplicate voter registration. After**  
 25       **providing the notification under this subsection, the county voter**  
 26       **registration office shall process the application in accordance with**  
 27       **this chapter.**

28       (d) **The notice provided by a county voter registration office**  
 29       **under subsection (c) must specify whether the applicant:**

30               (1) **has authorized the individual's registration at a specific**  
 31               **address in the county to be canceled in accordance with**  
 32               **IC 3-7-43; or**

33               (2) **has not authorized cancellation of registration at a specific**  
 34               **address in the county, but appears to be the same individual**  
 35               **who has subsequently filed an application for registration at**  
 36               **an address in another county.**

37       (e) **If the notice indicates that the approval of the applicant's**  
 38       **registration may result in the addition of a duplicate name to the**  
 39       **statewide voter registration list, the election division shall add a**  
 40       **notation to the previous voter registration on the voter registration**  
 41       **list for purposes of conducting voter list maintenance in**  
 42       **accordance with this article and NVRA.**



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SECTION 52. IC 3-7-33-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) This section applies to a voter registration application submitted on a registration by mail form under ~~IC 3-7-31~~ **IC 3-7-22**.

(b) Except as provided in subsection (c), and as provided in 42 U.S.C. 1973gg-6(a)(1), an eligible applicant whose application is postmarked not later than twenty-nine (29) days before the election shall be registered to vote in the election.

(c) If a postmark on a registration by mail form is missing or illegible, an eligible applicant shall be registered to vote in the election if the form is received by the ~~circuit court clerk or board of registration~~ **county voter registration office** not later than twenty-four (24) days before the election.

SECTION 53. IC 3-7-33-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) **This section applies after December 31, 2003.**

(b) Except as provided in subsection (c), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26 and 42 U.S.C. 15483 on the date the application is received by the county voter registration office.

(c) This section does not apply to an individual who complies with the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.

(2) The individual submits an application to register to vote by mail under this chapter that includes the individual's:

(A) Indiana driver's license number; or



- 1           **(B) last four (4) digits of the individual's Social Security**  
 2           **number;**  
 3           **and the county voter registration office or election division**  
 4           **matches the information submitted by the applicant with an**  
 5           **existing Indiana identification record bearing the same**  
 6           **number, name, and date of birth set forth in the voter**  
 7           **registration application.**  
 8           **(3) The individual is an absent uniformed services voter or**  
 9           **overseas voter.**  
 10           **(4) The individual is entitled to vote other than in person**  
 11           **under the federal Voting Accessibility for the Elderly and**  
 12           **Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a**  
 13           **determination by the election division that a permanent or**  
 14           **temporarily accessible polling place cannot be provided for**  
 15           **the individual.**  
 16           **(5) The individual is entitled to vote other than in person**  
 17           **under any other federal law.**  
 18           **(d) When a county voter registration office receives a voter**  
 19           **registration application submitted on a registration by mail form,**  
 20           **the office shall determine whether the applicant is subject to the**  
 21           **requirements to provide additional documentation under this**  
 22           **section and 42 U.S.C. 15483.**  
 23           **(e) As required by 42 U.S.C. 15483, a county voter registration**  
 24           **office shall administer the requirements of this section in a uniform**  
 25           **and nondiscriminatory manner.**  
 26           **(f) If the county voter registration office determines that the**  
 27           **applicant:**  
 28               **(1) is not required to submit additional documentation under**  
 29               **this section; or**  
 30               **(2) has provided the documentation required under this**  
 31               **section;**  
 32           **the county voter registration office shall process the application in**  
 33           **accordance with section 5 of this chapter.**  
 34           **(g) If the county voter registration office determines that the**  
 35           **applicant is required to submit additional documentation under**  
 36           **this section and 42 U.S.C. 15483, the office shall process the**  
 37           **application under section 5 of this chapter and, if the applicant is**  
 38           **otherwise eligible to vote, add the information concerning this**  
 39           **documentation to the voter's computerized registration entry**  
 40           **under IC 3-7-27-20(c).**  
 41           **(h) The county voter registration office shall remove the**  
 42           **notation described in subsection (g) after the voter votes in an**

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**election for a federal office.**

SECTION 54. IC 3-7-33-5, AS AMENDED BY P.L.122-2000, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) When the ~~circuit court clerk or board of registration~~ **county voter registration office** receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the ~~clerk or board~~ **county voter registration office** shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the ~~circuit court clerk or board of registration~~ **county voter registration office** shall send a notice to each person from whom the ~~clerk or board~~ **county voter registration office** receives a voter registration application. The ~~clerk or board~~ **county voter registration office** shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the ~~clerk or board~~ **county voter registration office**.
- (3) If the ~~clerk or board~~ **county voter registration office** determines that the applicant appears to be eligible, the notice must state the following:

(A) The applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

**(D) The voter's voter identification number.**

- (4) **In accordance with 42 U.S.C. 1973ff-1(d)**, if the ~~clerk or board~~ **county voter registration office** has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the ~~clerk or board~~ **county voter registration office** shall determine that the applicant is ineligible and deny the application.



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SECTION 55. IC 3-7-34-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. This chapter applies when a ~~circuit court clerk or board of county voter~~ registration office receives a registration form that is not properly completed under:

- (1) IC 3-7 or **after December 31, 2003, 42 U.S.C. 15483; or**
- (2) is filed in an incorrect county.

SECTION 56. IC 3-7-34-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This section applies when a ~~circuit court clerk or board of county voter~~ registration office receives a registration form that is not fully and properly completed so that the clerk or board can determine if the applicant is eligible to register under this article **or after December 31, 2003, fails to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4).**

(b) **As required by 42 U.S.C. 15483, the clerk or board county voter registration office shall promptly make:**

- (1) one (1) effort to contact the voter by mail if possible; and
- (2) one (1) effort to contact the voter by telephone if a telephone number is listed.

SECTION 57. IC 3-7-34-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This subsection applies after December 31, 2003, to a registration application that is incomplete as a result of the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the county voter registration office obtains a written statement from the applicant:**

- (1) **answering either or both of the questions that were not answered on the original application; and**
- (2) **not later than the twenty-ninth day before the date of the next general election following the date the application was filed;**

**the county voter registration office shall process the form under this article.**

(b) **This subsection applies to a registration application that is incomplete for a reason other than the failure of the applicant to answer either of the questions set forth in IC 3-7-22-5(3) or IC 3-7-22-5(4). If the circuit court clerk or board of county voter registration office obtains information under section 2 of this chapter not later than thirty (30) days after the date the notice is mailed under section 2(b)(1) of this chapter that permits the clerk or board county voter registration office to complete the registration form, the clerk or board county voter registration office shall process the form**

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1 under this article.

2 SECTION 58. IC 3-7-34-5 IS AMENDED TO READ AS  
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) If a registration  
4 form contains all of the information required to be supplied by the  
5 voter, but does not include the information required to be supplied by  
6 the bureau of motor vehicles commission or a voter registration agency,  
7 the ~~circuit court clerk or board of~~ county voter registration office shall  
8 promptly make one (1) effort to contact the officer, commission, or  
9 agency to obtain the information.

10 (b) **This subsection applies after December 31, 2005. If the**  
11 **information is not obtained from the officer, commission, or**  
12 **agency under subsection (a) not later than seven (7) days after the**  
13 **county voter registration office provides the notice, the county**  
14 **voter registration office shall notify the NVRA official. The NVRA**  
15 **official shall contact the officer, commission, or agency to request**  
16 **that the information be provided to the county voter registration**  
17 **office or that the officer, commission, or agency file a statement**  
18 **with the county voter registration office indicating why the**  
19 **information is not available.**

20 SECTION 59. IC 3-7-34-12 IS AMENDED TO READ AS  
21 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) **This subsection**  
22 **applies before January 1, 2006.** If the registration form is not  
23 compatible with the county's voter registration system, the ~~circuit court~~  
24 ~~clerk or board of~~ county voter registration office may reproduce the  
25 form for the county's system and retain the original form to document  
26 the registration.

27 (b) **This subsection applies after December 31, 2005. If the**  
28 **registration form is not compatible with the county's voter**  
29 **registration files of original voter registration affidavits, the county**  
30 **voter registration office may reproduce the form for the county's**  
31 **system and retain the original form to document the registration.**

32 SECTION 60. IC 3-7-35-2, AS AMENDED BY P.L.38-1999,  
33 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2003]: Sec. 2. (a) **This section applies before January 1,**  
35 **2006.**

36 (b) The county voter registration office shall ensure that the  
37 software program used to generate the poll list for the precinct in which  
38 the voter resides indicates whether the name of the voter should be  
39 included on a poll list.

40 ~~(b)~~ (c) The software program must generate a poll list that does not  
41 include the name of a voter unless the voter will be:

42 (1) at least eighteen (18) years of age when the election is

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conducted; or

(2) eligible to vote in the election under this article.

SECTION 61. IC 3-7-35-2.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office shall generate a poll list for the precinct where the voter resides that does not include the name of a voter unless the voter will be:**

**(1) at least eighteen (18) years of age when the election is conducted; or**

**(2) eligible to vote in the election under this article.**

SECTION 62. IC 3-7-35-3, AS AMENDED BY P.L.38-1999, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) This section applies before January 1, 2006.**

**(b) The county voter registration office shall ensure that the software program used to generate a jury list indicates whether the name of the voter should be used for jury service.**

~~(b)~~ **(c) The software program must generate a jury list that does not include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.**

SECTION 63. IC 3-7-35-3.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.1. (a) This section applies after December 31, 2005.**

**(b) The county voter registration office shall generate information to be used in the compilation of a jury list that does not include the name of a voter unless the voter will be at least eighteen (18) years of age when the jury is empaneled.**

SECTION 64. IC 3-7-38.1-11 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11. This chapter expires January 1, 2006.**

SECTION 65. IC 3-7-38.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2. A voter list maintenance program conducted under this chapter or before January 1, 2006, IC 3-7-38.1 must be:**

**(1) uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973);**

**(2) not result in the removal of the name of a person from the official list of votes solely due to the person's failure to vote; and**

**(3) completed not later than ninety (90) days before a primary, general, or municipal election.**



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SECTION 66. IC 3-7-38.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(i), this chapter and **before January 1, 2006**, IC 3-7-38.1 do not prevent the removal of a voter's name from the voter registration record during the final ninety (90) day period before a primary, general, or municipal election due to any of the following in accordance with this article:

- (1) The written request of the voter.
- (2) Disenfranchisement due to criminal conviction and incarceration.
- (3) The death of the voter.

SECTION 67. IC 3-7-38.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. As provided under 42 U.S.C. 1973gg-6(c)(2)(B)(ii), this chapter and **before January 1, 2006**, IC 3-7-38.1 do not prevent the correction of voter registration records under this article.

SECTION 68. IC 3-7-38.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. To assist in performing voter list maintenance under this chapter and **before January 1, 2006**, to supplement the duplicate voter registration elimination program under IC 3-7-38.1, the NVRA official may submit the names of all registered voters in Indiana to the United States Postal Service National Change of Address Service. The submission under this chapter shall be compiled from the county voter registration information submitted to the ~~commission~~ **election division** under:

- (1) IC 3-7-26 **before January 1, 2006; and**
- (2) **IC 3-7-26.3 after December 31, 2005.**

SECTION 69. IC 3-7-40-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) The circuit court clerk or board of registration shall add the "ZIP Code + Four" designation to the address of each voter in the voter registration record.

**(b) This section expires January 1, 2006.**

SECTION 70. IC 3-7-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection applies before January 1, 2006.** One (1) time each calendar year the NVRA official may submit to the United States Postal Service a list of the names and addresses of voters with rural route addresses.

**(b) This subsection applies after December 31, 2005. The NVRA official may submit to the United States Postal Service a list of the names and addresses of voters with rural route addresses.**

SECTION 71. IC 3-7-40-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) **This subsection**

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**applies before January 1, 2006.** When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the ~~circuit court clerk or board of county voter~~ registration **office** shall, as soon as practicable, do the following:

(1) Draw a red line through the rural route address appearing on the affidavit or form of registration and write the numbered address that replaces the rural route address on the affidavit or form.

(2) Make an appropriate entry in each computerized record for the precinct.

**(b) This subsection applies after December 31, 2005. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend:**

**(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and**

**(2) the entry for the voter in the computerized list under IC 3-7-26.3.**

SECTION 72. IC 3-7-40-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) **This section applies before January 1, 2006.**

**(b) This section applies if the ~~circuit court clerk or board of county~~ voter registration **office** is notified by:**

(1) the United States Postal Service; or

(2) a local public official or plan commission under this chapter; that the mailing address, street name, or residence number of a voter's residence has been changed by the United States Postal Service, local public official, or plan commission.

~~(b)~~ **(c) The ~~clerk or board~~ county voter registration office shall, as soon as practicable after the change becomes effective:**

(1) draw a red line through the mailing address, street name, or residence number appearing on the affidavit or form of registration and write the changed mailing address, street name, or residence number on the affidavit or form; and

(2) make an appropriate entry in each computerized record for the precinct.

SECTION 73. IC 3-7-40-7.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. (a) **This section applies after January 1, 2006.**

**(b) This section applies if the county voter registration office is notified by:**



1 (1) the United States Postal Service; or

2 (2) a local public official or plan commission under this  
3 chapter;

4 that the mailing address, street name, or residence number of a  
5 voter's residence has been changed by the United States Postal  
6 Service, local public official, or plan commission.

7 (c) The county voter registration office shall, as soon as  
8 practicable after the change becomes effective, amend:

9 (1) the original affidavit filed by the voter to indicate the  
10 changed mailing address, street name, or residence number  
11 on the affidavit; and

12 (2) the entry for the voter in the computerized list under  
13 IC 3-7-26.3.

14 SECTION 74. IC 3-7-42-4 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection**  
16 **applies before January 1, 2006.** At the time of transfer, the ~~clerk or~~  
17 ~~board~~ **county voter registration office** shall draw a red line through  
18 the name or number of the precinct appearing on the affidavit or form  
19 of registration and shall write the name or number of the precinct to  
20 which the voter has been transferred and make an appropriate entry in  
21 the computerized record for the precinct.

22 (b) **This subsection applies after December 31, 2005. At the time**  
23 **of transfer, the county voter registration office shall amend:**

24 (1) the original affidavit filed by the voter to indicate the  
25 changed mailing address, street name, or residence number  
26 on the affidavit; and

27 (2) the entry for the voter in the computerized list under  
28 IC 3-7-26.3.

29 SECTION 75. IC 3-7-43-3 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A request from  
31 a voter under this chapter may be made when the voter registers in  
32 another county in Indiana or in a jurisdiction outside of Indiana. A  
33 registration form under this section must be signed by the voter or, if  
34 not signed by the voter, after the NVRA official notifies the ~~circuit~~  
35 ~~court clerk or board of county voter~~ registration office that the  
36 jurisdiction where the voter has registered ~~can provide a signed copy~~  
37 ~~of the voter's request if desired by the clerk or board:~~ **has provided the**  
38 **election division with written notice of the voter's registration in**  
39 **the jurisdiction and request for cancellation of previous**  
40 **registrations.**

41 (b) The election division shall forward a copy of the notice to the  
42 appropriate county voter registration office.

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1 SECTION 76. IC 3-7-43-6 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section  
 3 applies to a voter who requests a cancellation of voter registration  
 4 under IC 3-7-39-6.

5 (b) **This subsection applies before January 1, 2006.** The ~~circuit~~  
 6 ~~court clerk or board of county voter~~ registration office of the county  
 7 in which a voter registers shall send the authorization of cancellation  
 8 to the ~~circuit court clerk or board of registration~~ **county voter**  
 9 **registration office** of the ~~county~~ or counties of previous residence  
 10 within fifteen (15) days after receipt of the authorization. However, all  
 11 authorizations shall be sent to the ~~clerk or board~~ **county voter**  
 12 **registration office** not later than the fifteenth day before the date on  
 13 which an election will be held.

14 (c) **This subsection applies after December 31, 2005.** The county  
 15 voter registration office of the county in which a voter registers  
 16 shall send the authorization of cancellation to the county voter  
 17 registration office on an expedited basis, as required by  
 18 IC 3-7-26.3.

19 SECTION 77. IC 3-7-43-7 IS AMENDED TO READ AS  
 20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) **This subsection**  
 21 **applies before January 1, 2006.** The ~~circuit court clerk or board of~~  
 22 **county voter** registration office shall remove the affidavit of the voter  
 23 from the registration record of the county and shall cancel the affidavit  
 24 of registration by writing the word "canceled" and the date of the  
 25 cancellation across the face of the affidavit and entering the  
 26 cancellation in any computerized record.

27 (b) **This subsection applies after December 31, 2005.** The county  
 28 voter registration office shall cancel the affidavit of registration  
 29 and enter the date and other information concerning the  
 30 cancellation in the computerized list under IC 3-7-26.3.

31 SECTION 78. IC 3-7-43-8 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) **This subsection**  
 33 **applies before January 1, 2006.** If either of the addresses given by a  
 34 person under IC 3-7-39 is outside Indiana, the county voter registration  
 35 office shall, not later than fifteen (15) days after receipt, send the  
 36 authorization of cancellation to the election division.

37 (b) **This section applies after December 31, 2005.** If either of the  
 38 addresses given by a person under IC 3-7-39 is outside Indiana, the  
 39 county voter registration office shall send the authorization of  
 40 cancellation to the election division on an expedited basis.

41 (c) The election division shall promptly send the authorization to the  
 42 voter registration office of the political subdivision that has jurisdiction

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over the address.

SECTION 79. IC 3-7-45-2, AS AMENDED BY P.L.199-2001, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year the state department of health shall submit a report to the election division electronically in a format prescribed by the commission.

(b) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons who:

- (1) died within Indiana but outside of the county during the preceding three (3) months; and
- (2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer;

during the previous three (3) months. The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana during the preceding three (3) months;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose name was supplied to the state department of health under an agreement made under section 5 of this chapter.

**(e) This section expires January 1, 2006.**

SECTION 80. IC 3-7-45-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.1. (a) **This section applies after December 31, 2005.**

**(b) As required under 42 U.S.C. 15483, the election division shall coordinate the computerized list generated by the statewide voter registration system under IC 3-7-26.3 with the state department of health to permit a county voter registration office to cancel the**

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1 registration records of deceased individuals on an expedited basis.

2 (c) The state department of health shall report to the election  
3 division, by county, the names, ages, and known residence  
4 addresses of all persons who:

5 (1) died within Indiana but outside the county of residence;  
6 and

7 (2) maintained a residence address within the county during  
8 the two (2) years preceding the date of death.

9 (d) Each county health officer and municipal health officer shall  
10 report to the state department of health the names, ages, and  
11 known voting addresses in the county of all persons:

12 (1) who have died within the jurisdiction of the officer; or

13 (2) for whom burial permits have been issued by the officer.

14 The state department of health shall report this information to the  
15 election division.

16 (e) The state department of health shall report to the election  
17 division, by county, the names, ages, and known residence  
18 addresses of all persons:

19 (1) who died outside Indiana;

20 (2) who maintained a residence address within the county  
21 during the two (2) years preceding the date of death; and

22 (3) whose names were supplied to the state department of  
23 health under an agreement made under section 5 of this  
24 chapter.

25 SECTION 81. IC 3-7-45-3 IS AMENDED TO READ AS  
26 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) **This subsection**  
27 **applies before January 1, 2006.** Not later than thirty (30) days after  
28 receipt of the reports required by section 2 of this chapter, each ~~circuit~~  
29 ~~court clerk or board of county voter~~ registration office shall cancel the  
30 registration of each deceased person listed in the reports.

31 (b) **This subsection applies after December 31, 2005.** As required  
32 by 42 U.S.C. 15483, after receipt of the reports required by section  
33 2 of this chapter, each county voter registration office shall cancel  
34 the registration of each deceased person listed in the reports.

35 SECTION 82. IC 3-7-45-4 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) **This subsection**  
37 **applies before January 1, 2006.** Except as provided in subsection (b);  
38 (c), a ~~circuit court clerk~~ county voter registration office shall cancel  
39 the registration of a deceased person not later than thirty (30) days after  
40 receiving a copy of the deceased person's death certificate.

41 (b) **This subsection applies after December 31, 2005.** Except as  
42 provided in subsection (c), a county voter registration office shall

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cancel the registration of a deceased person after receiving a copy of the deceased person's death certificate on an expedited basis, as required under 42 U.S.C. 15483. The county voter registration office shall enter the date and other information regarding the cancellation into the computerized list under IC 3-7-26.3.

(c) A ~~circuit court clerk~~ county voter registration office may require additional written information before canceling the registration of a person under subsection (a) or (b) if the information contained in the death certificate is insufficient to identify the person whose registration is to be canceled. If:

(1) additional written information is not given to the ~~circuit court clerk~~; county voter registration office; or

(2) the additional written information is insufficient to identify the person whose registration is to be canceled;

the ~~circuit court clerk~~ county voter registration office is not required to cancel the person's registration under subsection (a).

SECTION 83. IC 3-7-45-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The state department of health shall negotiate with appropriate agencies in each state other than Indiana to acquire information regarding the deaths of Indiana residents occurring in each of the other states. The state department of health may offer to share with each other state information regarding the deaths of the other state's residents in Indiana.

(b) If an agreement is made with the agency of another state under this section, the agreement must provide for acquisition of information about the deaths of Indiana residents in the other state so that the state department of health can forward that information to counties as provided in section 2 or 2.1 of this chapter.

SECTION 84. IC 3-7-45-6, AS ADDED BY P.L.38-1999, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 may obtain a list of Indiana residents identified as deceased by the federal Social Security Administration.

(b) The election division or a contractor acting on behalf of the election division under IC 3-7-38.1 shall provide each county voter registration office with a report identifying the deceased individuals who are shown as residing in the county according to the statewide voter file prepared under IC 3-7-38.1.

(c) Except as provided in section 7 of this chapter, the county voter registration office shall cancel the registration of each deceased person

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1 listed in the report provided under subsection (b).

2 **(d) This section expires January 1, 2006.**

3 SECTION 85. IC 3-7-45-6.1 IS ADDED TO THE INDIANA CODE  
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
5 1, 2003]: **Sec. 6.1. (a) This section applies after December 31, 2005.**

6 **(b) The election division shall obtain information regarding**  
7 **Indiana residents identified as deceased by the federal Social**  
8 **Security Administration as required by 42 U.S.C. 15483 and in**  
9 **conformity with IC 3-7-26.3.**

10 **(c) The election division shall provide each county voter**  
11 **registration office with a report identifying the deceased**  
12 **individuals who are shown as residing in the county.**

13 **(d) Except as provided in section 7 of this chapter, the county**  
14 **voter registration office shall cancel the registration of each**  
15 **deceased person listed in the report provided under subsection (c).**

16 SECTION 86. IC 3-7-45-8, AS ADDED BY P.L.199-2001,  
17 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2003]: Sec. 8. The NVRA official shall notify ~~the circuit court~~  
19 ~~clerk or board of each county voter~~ registration **office** of each  
20 **respective county** of the names of deceased persons obtained under this  
21 chapter.

22 SECTION 87. IC 3-7-46-1 IS AMENDED TO READ AS  
23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. As permitted under  
24 42 U.S.C. 1973gg-6(a)(3)(B) **and in the manner required under 42**  
25 **U.S.C. 15483**, a ~~circuit court clerk or board of county voter~~  
26 registration **office** shall remove from the official list of registered  
27 voters the name of a voter who is disfranchised under this chapter due  
28 to a criminal conviction.

29 SECTION 88. IC 3-7-46-3 IS AMENDED TO READ AS  
30 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) This section  
31 applies to a person convicted of a felony in a district court of the United  
32 States.

33 (b) As required by 42 U.S.C. 1973gg-6(g)(5), the NVRA official  
34 shall notify the ~~circuit court clerk or board of county voter~~ registration  
35 **office** of the county in Indiana in which the person resides of the  
36 information provided by the United States attorney under 42 U.S.C.  
37 1973gg-6(g)(2), 42 U.S.C. 1973gg-6(g)(3), and 42 U.S.C.  
38 1973gg-6(g)(4).

39 (c) If the information provided under subsection (b) indicates that  
40 the person is disfranchised under section 2 of this chapter, the ~~clerk or~~  
41 **board county voter registration office** shall remove the name of the  
42 person from the voter registration records **on an expedited basis as**

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1 **required by 42 U.S.C. 15483.**

2 SECTION 89. IC 3-7-46-4, AS AMENDED BY P.L.199-2001,  
3 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2003]: Sec. 4. (a) Not later than the second Tuesday of each  
5 month, the department of correction shall provide the NVRA official  
6 with a list identifying each person who:

- 7 (1) is a resident of Indiana;  
8 (2) has been convicted of a crime; and  
9 (3) has been placed in a department of correction facility during  
10 the previous month.

11 (b) The department of correction shall provide the information  
12 required by this section electronically in a format prescribed by the  
13 commission.

14 **(c) This section expires January 1, 2006.**

15 SECTION 90. IC 3-7-46-4.1 IS ADDED TO THE INDIANA CODE  
16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17 1, 2003]: Sec. 4.1. (a) **This section applies after December 31, 2005.**

18 **(b) As required under 42 U.S.C. 15483, the election division shall**  
19 **coordinate the computerized list generated by the statewide voter**  
20 **registration system under IC 3-7-26.3 with the department of**  
21 **correction to permit a county voter registration office to cancel the**  
22 **registration records of disfranchised individuals on an expedited**  
23 **basis.**

24 **(c) The department of correction shall provide the NVRA**  
25 **official with a list identifying each person who:**

- 26 **(1) is a resident of Indiana;**  
27 **(2) has been convicted of a crime; and**  
28 **(3) has been placed in a department of correction facility**  
29 **during the previous month.**

30 **(d) The department of correction shall provide the information**  
31 **required by this section electronically in a format prescribed by the**  
32 **election division.**

33 SECTION 91. IC 3-7-46-5 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. The NVRA official  
35 shall notify the ~~circuit court clerk or board of county voter~~ registration  
36 **office** of each county where a person on the ~~report list~~ resides **for**  
37 **processing under section 8 of this chapter.**

38 SECTION 92. IC 3-7-46-6 IS AMENDED TO READ AS  
39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Not later than:

- 40 (1) January 31;  
41 (2) April 30;  
42 (3) July 31; and



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(4) October 31;  
of each year, a county sheriff shall provide the ~~circuit court clerk or~~  
~~board of county voter~~ registration office with a ~~list with report~~  
**containing** the information set forth in subsection (b) **for processing**  
**under section 8 of this chapter.**

(b) The list required by subsection (a) must identify each person  
who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility during the  
previous ~~month~~ **quarter.**

SECTION 93. IC 3-7-46-7 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. The ~~circuit court~~  
~~clerk or board of county voter~~ registration office shall notify the ~~clerk~~  
~~or board county voter registration office~~ of each county where a  
person on the list resides **that a voter registered in that county has**  
**been listed on the report described in section 6 of this chapter.**

SECTION 94. IC 3-7-46-7.5 IS ADDED TO THE INDIANA CODE  
AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
UPON PASSAGE]: Sec. 7.5. **If the information provided under**  
**section 5 or 6 of this chapter indicates that the person is**  
**disfranchised under section 2 of this chapter, the county voter**  
**registration office shall:**

- (1) remove the name of the person from the voter registration  
records; and
- (2) **after January 1, 2006, enter the date and other**  
**information regarding the cancellation into the computerized**  
**list under IC 3-7-26.3;**

**on an expedited basis, as required under 42 U.S.C. 15483.**

SECTION 95. IC 3-7-46-8 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. **(a) This subsection**  
**applies before January 1, 2006.** On the last day of each month, each  
county voter registration office shall prepare a list of the names and last  
known addresses of all persons within the county who have been  
disfranchised. The county voter registration office may secure the list  
at any time, but not later than the twenty-ninth day before a primary,  
general, or municipal election.

**(b) This subsection applies after December 31, 2005. Each**  
**county voter registration office shall prepare a notice to be mailed**  
**to the names and last known addresses of all persons within the**  
**county who have been disfranchised.**

SECTION 96. IC 3-7-46-9 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. **(a) This subsection**  
 2 **applies before January 1, 2006.** Not later than thirty (30) days after  
 3 preparation of the list under section 8 of this chapter, the circuit court  
 4 clerk or board of registration shall send a notice to each alleged  
 5 disfranchised person at the person's last known address using a form  
 6 prescribed by the commission under this article.

7 **(b) This subsection applies after December 31, 2005. After**  
 8 **preparation of the notice under section 8 of this chapter, the county**  
 9 **voter registration office shall mail the notice to the alleged**  
 10 **disfranchised person not later than the day following the day that**  
 11 **the voter's registration has been canceled under this chapter. The**  
 12 **notice must be mailed to each alleged disfranchised person at the**  
 13 **person's last known address using a form prescribed by the**  
 14 **commission under this article.**

15 SECTION 97. IC 3-7-48-1, AS AMENDED BY P.L.126-2002,  
 16 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2003]: Sec. 1. **(a) This subsection applies before January 1,**  
 18 **2006.** Except as otherwise provided by NVRA or in this chapter, a  
 19 person whose name does not appear on the registration record may not  
 20 vote, unless the ~~circuit court clerk or board of county voter~~ registration  
 21 ~~provides office files~~ a signed certificate of error ~~in the office where the~~  
 22 ~~permanent registration record is kept~~ showing that the voter is legally  
 23 registered in the precinct where the voter resides.

24 **(b) This subsection applies after December 31, 2005. Except as**  
 25 **otherwise provided by NVRA or in this chapter, a person whose**  
 26 **name does not appear on the registration record may not vote**  
 27 **unless the county voter registration office:**

28 **(1) files a signed certificate of error in the county voter**  
 29 **registration office; and**

30 **(2) enters information regarding the date and reason for the**  
 31 **issuance of the certificate of error in the statewide voter**  
 32 **registration system under IC 3-7-26.3;**

33 **showing that the voter is legally registered in the precinct where**  
 34 **the voter resides.**

35 **(c) A person whose name does not appear on the registration record**  
 36 **may cast a provisional ballot as provided upon compliance with the**  
 37 **requirements in IC 3-11.7.**

38 SECTION 98. IC 3-7-48-2 IS AMENDED TO READ AS  
 39 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. **(a) This subsection**  
 40 **applies before January 1, 2006.** A certificate of error issued under  
 41 section 1 of this chapter shall be executed in duplicate and numbered  
 42 serially.

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1       **(b) This subsection applies after December 31, 2005. A**  
 2       **certificate of error issued under section 1 of this chapter shall be**  
 3       **executed in duplicate by the county voter registration office and**  
 4       **assigned a unique sequential number by the county within the**  
 5       **statewide voter registration system under IC 3-7-26.3.**

6       SECTION 99. IC 3-8-2-9, AS AMENDED BY P.L.38-1999,  
 7       SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8       JULY 1, 2003]: Sec. 9. (a) A petition required by section 8 of this  
 9       chapter must request that the name of the candidate be placed on the  
 10      ballot at the primary election.

11      (b) The county voter registration office in the county where a  
 12      petitioner is registered must certify whether each petitioner is a voter  
 13      of the county. The certification must accompany and be part of the  
 14      petition.

15      (c) If a county is part of more than one (1) congressional district, the  
 16      certificate must indicate the number of petitioners from that county  
 17      who reside in each congressional district.

18      **(d) After December 31, 2005, the county voter registration office**  
 19      **shall add a notation to the registration record of each voter**  
 20      **certified as signing a petition under this section. The notation must**  
 21      **include the date of certification of the voter's signature, the office**  
 22      **sought by the candidate, and the name of the candidate whose**  
 23      **petition was signed by the voter.**

24      SECTION 100. IC 3-8-3-3 IS AMENDED TO READ AS  
 25      FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A petition  
 26      required by section 2 of this chapter must request that the candidate's  
 27      name be placed on the ballot at the primary election.

28      (b) The county voter registration office in the county where the  
 29      petitioner is registered must certify whether each petitioner is a voter  
 30      of the county. The certification must accompany and be part of the  
 31      petition.

32      (c) If a county is part of more than one (1) congressional district, the  
 33      certificate must indicate the number of petitioners from that county  
 34      who reside in each congressional district.

35      **(d) After December 31, 2005, the county voter registration office**  
 36      **shall add a notation to the registration record of each voter**  
 37      **certified as signing a petition under this section. The notation must**  
 38      **include the date of certification of the voter's signature and the**  
 39      **name of the candidate whose petition was signed by the voter.**

40      SECTION 101. IC 3-8-6-8 IS AMENDED TO READ AS  
 41      FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) For a petition of  
 42      nomination to be considered valid by the officer required to receive the

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petition, the circuit court clerk or board of registration in the county where the petitioner is registered must certify that each petitioner is a voter in the county. The certification must accompany and be part of each petition. The certification must indicate that each petitioner is eligible to vote for the candidates being nominated by the petition.

**(b) After December 31, 2005, the county voter registration office shall add a notation to the registration record of each voter certified as signing a petition under this section. The notation must include the date of certification of the voter's signature and the name of the party or independent candidate whose petition was signed by the voter.**

SECTION 102. IC 3-10-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) **This section applies before January 1, 2006.**

**(b)** Each county election board shall furnish the inspector of each precinct, for use on primary election day:

- (1) a copy of the last regularly prepared registration record; or
- (2) in a county with a computerized registration system, a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

~~(b)~~ **(c)** The ~~circuit court clerk or board of~~ **county voter registration office** in a county with a computerized voting system may also provide the inspector of each precinct in the county with a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.5 of this chapter.

~~(c)~~ **(d)** If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 103. IC 3-10-1-7.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7.1. **(a) This section applies after December 31, 2005.**

**(b)** Each county election board shall furnish the inspector of each precinct for use on primary election day a certified copy under IC 3-7-29 of the list of all voters registered to vote in the precinct.

**(c)** The county voter registration office may also provide the inspector of each precinct in the county a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under section 24.6 of

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1 this chapter.

2 (d) If the name of a person offering to vote at the primary is in  
3 the registration record or listed in the certified copy prepared for  
4 the precinct, it is sufficient evidence of the person's right to vote  
5 unless the person is challenged.

6 SECTION 104. IC 3-10-1-8 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) **This subsection**  
8 **applies before January 1, 2004.** A person who will be a voter at the  
9 general election for which the primary is being held and whose name  
10 does not appear on the registration record or on the certified copy of the  
11 registration record in a county with a computerized registration system  
12 may vote if the circuit court clerk or board of registration provides a  
13 signed certificate of error under IC 3-7-48 showing that the person is  
14 a registered voter of the precinct.

15 (b) **This subsection applies after December 31, 2003. A person**  
16 **who will be a voter at the general election for which the primary is**  
17 **being held and whose name does not appear on the registration**  
18 **record of the precinct or on the certified copy of the registration**  
19 **record prepared under IC 3-7-29 may:**

20 (1) vote if the county voter registration office provides a  
21 signed certificate of error; or

22 (2) cast a provisional ballot under IC 3-11.7, as provided by 42  
23 U.S.C. 15482.

24 SECTION 105. IC 3-10-1-10.5 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2003]: Sec. 10.5. (a) **This section applies after**  
27 **December 31, 2003.**

28 (b) **This section does not apply to a voter who is challenged**  
29 **under section 10 of this chapter on the basis of party affiliation.**

30 (c) **In accordance with 42 U.S.C. 15482, a voter challenged**  
31 **under this chapter is entitled to cast a provisional ballot under**  
32 **IC 3-11.7 after executing the affidavit under section 9 of this**  
33 **chapter.**

34 SECTION 106. IC 3-10-1-24, AS AMENDED BY P.L.199-2001,  
35 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36 JULY 1, 2003]: Sec. 24. (a) A voter who desires to vote must give the  
37 voter's name and political party to the poll clerks of the precinct on  
38 primary election day. The poll clerks shall require the voter to write the  
39 following on the poll list:

40 (1) The voter's name.

41 (2) The voter's current residence address.

42 (3) The name of the voter's party.



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(b) The poll clerks shall:

- (1) ask the voter to provide, **update, or confirm** the voter's voter identification number;
- (2) tell the voter the number the voter may use as a voter identification number; and
- (3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

SECTION 107. IC 3-10-1-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24.5. (a) **This section applies before January 1, 2006.**

(b) This section does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

~~(b)~~ (c) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

~~(c)~~ (d) If either poll clerk doubts the voter's identity following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under IC 3-11-8-21 or if the voter executes a challenged voter's affidavit under IC 3-11-8-22, the voter may then vote.

SECTION 108. IC 3-10-1-24.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24.6. (a) **This section applies after December 31, 2005.**

(b) **In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.**

(c) If either poll clerk doubts the voter's identity following the

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1 comparison of the signatures, the poll clerk shall challenge the  
 2 voter in the manner prescribed by IC 3-11-8. If the poll clerk does  
 3 not execute a challenger's affidavit under IC 3-11-8-21 or if the  
 4 voter executes a challenged voter's affidavit under IC 3-11-8-22,  
 5 the voter may then vote.

6 SECTION 109. IC 3-10-1-31, AS AMENDED BY P.L.199-2001,  
 7 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2003]: Sec. 31. (a) The inspector of each precinct shall deliver  
 9 the bags required by section 30(a) and 30(c) of this chapter in good  
 10 condition, together with poll lists, tally sheets, and other forms, to the  
 11 circuit court clerk when making returns.

12 (b) Except for unused ballots disposed of under IC 3-11-3-31, the  
 13 circuit court clerk shall carefully preserve the ballots and other material  
 14 and keep all seals intact for twenty-two (22) months, as required by 42  
 15 U.S.C. 1974, after which they may be destroyed unless:

- 16 (1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or
- 17 (2) 42 U.S.C. 1973;

18 requires the continued preservation of the ballots or other material.

19 (c) **This subsection applies before January 1, 2006.** Upon delivery  
 20 of the poll lists, the ~~circuit court clerk or board of county voter~~  
 21 **registration office** may unseal the envelopes containing the poll lists.  
 22 For the purposes of:

- 23 (1) a cancellation of registration conducted under IC 3-7-43  
 24 through IC 3-7-46; ~~or~~
- 25 (2) a transfer of registration conducted under IC 3-7-39,  
 26 IC 3-7-40, or IC 3-7-42; ~~or~~
- 27 **(3) recording that a voter subject to IC 3-7-33-4.5 submitted**  
 28 **the documentation required under 42 U.S.C. 15843 and**  
 29 **IC 3-11-8 or IC 3-11-10;**

30 the ~~clerk or board county voter registration office~~ may inspect the  
 31 poll lists and update the registration record of the county. The ~~clerk or~~  
 32 **board county voter registration office** shall use the poll lists to update  
 33 the registration record to include the voter's voter identification number  
 34 if the voter's voter identification number is not already included in the  
 35 registration record. Upon completion of the inspection, the poll list  
 36 shall be resealed and preserved with the ballots and other materials for  
 37 the time period prescribed by subsection (b).

38 (d) **This subsection applies after December 31, 2005.** Upon  
 39 **delivery of the poll lists, the county voter registration office may**  
 40 **unseal the envelopes containing the poll lists. For purposes of:**

- 41 (1) a cancellation of registration conducted under IC 3-7-43  
 42 through IC 3-7-46; or



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1           **(2) a transfer of registration conducted under IC 3-7-39,**  
 2           **IC 3-7-40, or IC 3-7-42;**

3           **the county voter registration office may inspect the poll lists and**  
 4           **update the registration record of the county. The county voter**  
 5           **registration office shall use the poll lists to update the registration**  
 6           **record to include the voter's current voter identification number**  
 7           **if the voter's voter identification number is not included in the**  
 8           **registration record. Upon completion of the inspection, the poll list**  
 9           **shall be resealed and preserved with the ballots and other**  
 10           **materials for the time period prescribed by subsection (b).**

11           **(e) After the expiration of the period described in subsection (b), the**  
 12           **ballots may be destroyed in the manner provided by IC 3-11-3-31 or**  
 13           **transferred to a state educational institution as provided by**  
 14           **IC 3-12-2-12.**

15           **SECTION 110. IC 3-10-7-33 IS AMENDED TO READ AS**  
 16           **FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 33. (a) A town election**  
 17           **board shall canvass the votes from a municipal election in the manner**  
 18           **prescribed by IC 3-12-4.**

19           **(b) After completion of the canvass, the town election board**  
 20           **shall immediately file the poll lists, ballots, tally sheets, and other**  
 21           **election forms with the circuit court clerk of the county containing**  
 22           **the greatest percentage of population of the town for preservation**  
 23           **and voter list maintenance in accordance with IC 3-10-1-31.**

24           **SECTION 111. IC 3-10-11-5 IS AMENDED TO READ AS**  
 25           **FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. An affidavit**  
 26           **executed under this chapter must contain the following information:**

- 27           (1) The person's last, first, and middle name, in that order.
- 28           (2) The person's birthplace and date of birth.
- 29           (3) Whether the person is a United States citizen.
- 30           (4) The person's current address, including the county. If the
- 31           person resides in a municipality, the address must include the
- 32           street address, including apartment number or other designation,
- 33           or the name and room number of the hotel or lodging house. If the
- 34           person does not reside in a municipality, the address must include
- 35           the mailing address and the street or road.
- 36           (5) The address of the person's previous residence, including the
- 37           county.
- 38           (6) The person's statement that the person satisfies the conditions
- 39           set forth in section 2 of this chapter.
- 40           **(7) After December 31, 2005, the person's voter identification**  
 41           **number to permit transfer of the registration under**  
 42           **IC 3-7-13-13.**



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SECTION 112. IC 3-10-12-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 3.5. After December 31, 2005, the written affirmation described in section 3 of this chapter must include the person's voter identification number to permit transfer of the registration under IC 3-7-13-13.**

SECTION 113. IC 3-11-3-11, AS AMENDED BY P.L.126-2002, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. The county election board shall deliver the following to each inspector or the inspector's representative:

(1) The sealed package of paper ballots, provisional ballots, sample ballots, and any other supplies provided for the inspector's precinct by the election division.

(2) The local sample ballots, the ballot labels, if any, and all poll lists, registration lists, and other supplies considered necessary to conduct the election in the inspector's precinct.

(3) The local ballots printed under the direction of the county election board as follows:

(A) The number of ballots equal to one hundred percent (100%) of the number of voters in the inspector's precinct, according to the poll list.

(B) In those precincts where voting machines, ballot card systems, or electronic voting systems are to be used, the number of paper ballots that will be required for emergency purposes only.

(C) Provisional ballots in the number considered necessary by the county election board.

(4) Twenty (20) ink pens suitable for printing the names of write-in candidates on the ballot or ballot envelope.

**(5) Copies of the voter's bill of rights for posting as required by 42 U.S.C. 15482.**

**(6) Copies of the instructions for a provisional voter required by 42 U.S.C. 15482. The county election board shall provide at least the number of copies of the instructions as the number of provisional ballots provided under subdivision (3).**

SECTION 114. IC 3-11-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. **(a) This subsection applies before January 1, 2006.** Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of blank poll list sheets and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The



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forms and papers must have proper captions. ~~In a~~ **The county having a board of registration, the board of voter registration may office shall** cooperate with the county election board in the preparation of the poll lists.

**(b) This subsection applies after December 31, 2005. Each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8. The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29.**

SECTION 115. IC 3-11-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) This section does not apply to a county with a computerized registration system that has furnished the inspector of a precinct with certified copies of the list of registered voters prepared under IC 3-7-29.

(b) The county election board shall prepare the poll lists in looseleaf sheet form or book form. The sheets must have adequate space and lines on each side for taking the signatures and addresses of the voters. The sheets may contain the names and addresses of the voters in the respective precincts in alphabetical order, with a space opposite each name for the signature and address of the voter when the voter votes and any other information required by law.

**(c) This section expires January 1, 2006.**

SECTION 116. IC 3-11-3-18, AS AMENDED BY P.L.199-2001, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) At the extreme top of a poll list sheet the heading "VOTERS POLL LIST" should appear, followed by the following information:

- (1) The type of election.
- (2) The date of the election.
- (3) After December 31, 2003, mail in registration requiring additional voter identification.**

**(4) The name of the precinct, township (or ward), and county.**

(b) Following the information required in subsection (a), the following headings should appear from left to right on each sheet:

- (1) "Signature of Voter".
- (2) "Address of Voter".
- (3) "Voter Identification Number (Optional)".



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(4) "If any voter shows his or her ballot after being marked, or by accident mutilates or defaces his or her ballot, note it in this column. Also note any other irregularity in this column."

**(c) This section expires January 1, 2006.**

SECTION 117. IC 3-11-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) After the polls are closed, the looseleaf poll list sheets that have been used in the precinct on election day shall be assembled and fastened together between two (2) manila tag board covers with the two (2) paper fasteners provided for that purpose. The manila tag board covers shall be punched and cut the same size as the poll list sheets.

**(b) This section expires January 1, 2006.**

SECTION 118. IC 3-11-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 21. (a) The looseleaf poll list sheets, the book form poll lists, and the covers required by sections 17 and 19 of this chapter are a part of the election supplies.

**(b) This section expires January 1, 2006.**

SECTION 119. IC 3-11-3-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. **As required by 42 U.S.C. 15482**, the inspector of each precinct shall post the samples of each of the state and local ballots provided by the county election board under this article in and about the polls. The sample ballots shall be printed on different paper than the genuine ballots.

SECTION 120. IC 3-11-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. In accordance with 42 U.S.C. 1973ff-1(b), the election division is designated as the single office in Indiana responsible for providing information regarding voter registration procedures under IC 3-7 and absentee ballot procedures under this chapter to be used by absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in Indiana.**

SECTION 121. IC 3-11-4-6, AS AMENDED BY P.L.126-2002, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) This section applies, notwithstanding any other provision of this title, to absentee ballot applications for the following:

- (1) An absent uniformed services voter.
- (2) An address confidentiality program participant (as defined in IC 5-26.5-1-6).
- (3) An overseas voter.
- (b) A county election board shall make blank absentee ballot



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applications available for persons covered by this section after November 20 preceding the election to which the application applies. Except as provided in subsection (c), the person may apply for an absentee ballot at any time after the applications are made available.

(c) A person covered by this section may apply for an absentee ballot for the next scheduled primary, general, or special election at any time by filing a standard form approved under 42 U.S.C. 1973ff(b).

(d) If the county election board receives an absentee ballot application from a person described by this section, the circuit court clerk shall mail to the person, free of postage as provided by 39 U.S.C. 3406, all ballots for the election immediately upon receipt of the ballots under sections 13 and 15 of this chapter.

(e) **In accordance with 42 U.S.C. 1973ff-3, whenever a voter files an application for an absentee ballot and indicates on the application that the voter:**

**(1) is an absent uniformed services voter or an overseas voter; and**

**(2) does not expect to be in the county on the next general election day following the date the application is filed and expects to remain absent from the county until at least the date of the second general election following the date the application is filed;**

**the application is an adequate application for an absentee ballot for both subsequent general elections and any municipal or special election conducted during that period. The circuit court clerk and county election board shall process this application and send general election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.**

(f) Whenever a voter described in subsection (a) (a)(2) files an application for a primary election absentee ballot and indicates on the application that

**(1) the voter is an absent uniformed services voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;**

**(2) the voter is an address confidentiality program participant, or**

**(3) the voter is an overseas voter and does not expect to be in the county on general election day and on the date of any special election conducted during the twelve (12) months following the date of the application;**

the application is an adequate application for a general election

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absentee ballot under this chapter and an absentee ballot for a special election conducted during the twelve (12) months following the date of the application. The circuit court clerk and county election board shall process this application and send general election and special election absentee ballots to the voter in the same manner as other general election and special election absentee ballot applications and ballots are processed and sent under this chapter.

~~(f)~~ **(g)** The name, address, telephone number, and any other identifying information relating to a program participant (as defined in IC 5-26.5-1-6) in the address confidentiality program, as contained in a voting registration record, is declared confidential for purposes of IC 5-14-3-4(a)(1). The county voter registration office may not disclose for public inspection or copying a name, an address, a telephone number, or any other information described in this subsection, as contained in a voting registration record, except as follows:

(1) To a law enforcement agency, upon request.

(2) As directed by a court order.

~~(g)~~ **(h)** The county election board shall transmit and receive absentee ballots by fax to an absent uniformed services voter or an overseas voter at the request of the voter. If the voter wants to submit absentee ballots by fax, the voter must separately sign and date a statement on the cover of the fax transmission that states substantively the following: "I understand that by faxing my voted ballot I am voluntarily waiving my right to a secret ballot."

~~(h)~~ **(i)** The county election board shall send confirmation to a voter described in subsection ~~(g)~~ **(h)** that the voter's absentee ballot has been received as follows:

(1) If the voter provides a fax number to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the fax number provided by the voter.

(2) If the voter provides an electronic mail address to which a confirmation may be sent, the county election board shall send the confirmation to the voter at the electronic mail address provided by the voter.

(3) If:

**(A)** the voter does not provide a fax number or an electronic mail address; **or**

**(B) the number or address provided does not permit the board to send the confirmation not later than the end of the first business day after the board receives the voter's absentee ballot;**

the county election board shall send the confirmation by United

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1 States mail.

2 The county election board shall send the confirmation required by this  
3 subsection not later than the end of the first business day after the  
4 county election board receives the voter's absentee ballot.

5 SECTION 122. IC 3-11-4-17, AS AMENDED BY P.L.126-2002,  
6 SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2003]: Sec. 17. (a) Upon receipt of an application for an  
8 absentee ballot, a circuit court clerk shall file the application in the  
9 clerk's office and record all of the following:

10 (1) The voter's name.

11 (2) The date the application is received.

12 (3) The date the ballot is sent to the voter.

13 (4) If mailed, the address to which the ballot is sent.

14 (5) **After December 31, 2003, whether the applicant will be**  
15 **required to file additional documentation in the county voter**  
16 **registration office before the absentee ballot may be counted.**

17 (6) If transmitted by fax, the fax number to which the ballot is  
18 faxed.

19 ~~(6)~~ (7) The date the ballot is marked before the clerk or otherwise  
20 received from the voter.

21 ~~(7)~~ (8) Any other information that is necessary or advisable.

22 (b) **After December 31, 2005, and promptly upon entering**  
23 **information in the record under subsection (a), the circuit court**  
24 **clerk shall provide the county voter registration office with the**  
25 **information listed in subsection (a) for entry in the computerized**  
26 **list maintained under IC 3-7-26.3.**

27 SECTION 123. IC 3-11-4-17.5 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17.5. (a) Upon  
29 receiving an application for an absentee ballot, the county election  
30 board shall determine if the applicant is a voter of the precinct in which  
31 the applicant resides, according to the records of the county voter  
32 registration office. If the applicant is not a voter of the precinct  
33 according to the registration record **(or if the application as**  
34 **completed and filed does not otherwise comply with this chapter),**  
35 the county election board shall deny the application.

36 (b) **This subsection applies after December 31, 2003, to an**  
37 **absentee ballot application submitted by an absent uniformed**  
38 **services voter or an overseas voter. In accordance with 42 U.S.C.**  
39 **1973ff-1(d), if the application is denied, the county election board**  
40 **shall provide the voter with the reasons for the denial of the**  
41 **application. Unless the voter is present when the board denies the**  
42 **application, the board shall send a written notice stating the**

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reasons for the denial to the voter. The notice must be sent:

- (1) not later than forty-eight (48) hours after the application is denied; and
- (2) to the voter at the address at which the voter requested that the absentee ballot be mailed.

(c) This subsection applies after December 31, 2003. If the county election board determines that the applicant is a voter of the precinct under subsection (a), the board shall then determine whether:

- (1) the applicant was required to file any additional documentation under IC 3-7-33-4.5; and
- (2) the applicant has filed this documentation according to the records of the county voter registration office.

If the applicant has not filed the required documentation, the county election board shall approve the application if the application otherwise complies with this chapter. The board shall add a notation to the application and to the record compiled under section 17 of this chapter indicating that the applicant will be required to provide additional documentation to the county voter registration office under IC 3-7-33-4.5 before the absentee ballot may be counted.

(d) If the applicant:

- (1) is a voter of the precinct according to the registration record; and
- (2) states on the application that the applicant resides at an address that is within the same precinct but is not the same address shown on the registration record; and
- (3) after December 31, 2005, provides a voter identification number on the application to permit transfer of registration under IC 3-7-13-13;

the county election board shall direct the county voter registration office to transfer the applicant's voter registration address to the address within the precinct shown on the application. The applicant's application for an absentee ballot shall be approved if the applicant is otherwise eligible to receive the ballot under this chapter.

SECTION 124. IC 3-11-4-17.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17.7. (a) This section applies when a voter:

- (1) has been mailed the official ballot under this chapter; and
- (2) notifies the county election board that the ballot has been destroyed, spoiled, lost, or not received by the voter after a reasonable time has elapsed for delivery of the ballot by mail.

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(b) **As required under 42 U.S.C. 15481**, the voter may obtain a replacement official ballot under the procedures set forth in this chapter after the voter files a statement with the county election board. The statement must affirm, under penalties of perjury, that the voter did not receive the official ballot (or that the ballot was received by the voter, but was destroyed, spoiled, or lost), and must set forth any facts known by the voter concerning the destruction, spoiling, or loss of the ballot.

(c) After a voter files the statement required under subsection (b), the county election board may issue a replacement official ballot to the voter in accordance with this chapter and shall include information regarding the official replacement ballot in the certification provided to the precinct inspector under section 22 of this chapter.

(d) After receiving the official replacement ballot, the voter shall destroy any spoiled ballot in the possession of the voter or any lost or delayed official ballot that comes into the possession of the voter.

SECTION 125. IC 3-11-4-18, AS AMENDED BY P.L.126-2002, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 18. (a) If a voter satisfies any of the following, the county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application:

- (1) The voter will be absent from the county on election day.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
  - (A) a precinct election officer under IC 3-6-6;
  - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
  - (C) a challenger or pollbook holder under IC 3-6-7; or
  - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury.
- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(b) **This subsection applies after December 31, 2003. If the**

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1 county election board mails an absentee ballot to a voter required  
 2 to file additional documentation with the county voter registration  
 3 office before voting by absentee ballot under this chapter, the  
 4 board shall include a notice to the voter in the envelope mailed to  
 5 the voter under section 20 of this chapter. The notice must inform  
 6 the voter that the voter must file the additional documentation  
 7 required under IC 3-7-33-4.5 with the county voter registration  
 8 office not later than noon on election day for the absentee ballot to  
 9 be counted. The commission shall prescribe the form of this notice  
 10 under IC 3-5-4-8.

11 (c) The ballot shall be mailed:

- 12 (1) on the day of the receipt of the voter's application; or  
 13 (2) not more than five (5) days after the date of delivery of the  
 14 ballots under section 15 of this chapter;

15 whichever is later.

16 ~~(c)~~ (d) In addition to the ballot mailed under subsection ~~(b)~~; (c), the  
 17 county election board shall mail a special absentee ballot for overseas  
 18 voters.

19 ~~(d)~~ (e) The ballot described in subsection ~~(c)~~; (d):

20 (1) must be mailed:

- 21 (A) on the day of the receipt of the voter's application; or  
 22 (B) not more than five (5) days after the date of delivery of the  
 23 ballots under section 13(b) of this chapter;

24 whichever is later; and

- 25 (2) may not be mailed after the absentee ballots described by  
 26 section 13(a) of this chapter have been delivered to the circuit  
 27 court clerk or the clerk's authorized deputy.

28 (f) This subsection applies after December 31, 2005. As required  
 29 by 42 U.S.C. 15481, an election board must establish a voter  
 30 education program (specific to a paper ballot or optical scan ballot  
 31 card provided as an absentee ballot under this chapter) to notify a  
 32 voter of the effect of casting multiple ballots for a single office.

33 (g) This subsection applies after December 31, 2005. As  
 34 provided by 42 U.S.C. 15481, when an absentee ballot is mailed  
 35 under this section, the mailing must include:

- 36 (1) information concerning the effect of casting multiple votes  
 37 for an office; and  
 38 (2) instructions on how to correct the ballot before the ballot  
 39 is cast and counted, including the issuance of replacement  
 40 ballots.

41 SECTION 126. IC 3-11-4-21, AS AMENDED BY P.L.38-1999,  
 42 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2003]: Sec. 21. (a) On the other side of the envelope required by section 20 of this chapter shall be printed an affidavit **in conformity with 42 U.S.C. 1973ff-1(b)**, providing that the voter affirms under penalty of perjury that the following information is true:

(1) The name of the precinct and township (or ward and city or town).

(2) That the voter is:

(A) a resident of; or

(B) entitled under IC 3-10-11 or IC 3-10-12 to vote in; the precinct.

(3) The voter's complete residence address, including the name of the city or town and county.

(4) That the voter is entitled to vote in the precinct, the type of election to be held, and the date of the election.

(5) That:

(A) the voter has personally marked the enclosed ballot or ballots in secret and has enclosed them in this envelope and sealed them without exhibiting them to any other person;

(B) the voter personally marked the enclosed ballot or ballots, enclosed them in this envelope, and sealed them with the assistance of an individual whose name is listed on the envelope and who affirms under penalty of perjury that the voter was not coerced or improperly influenced by the individual assisting the voter or any other person, in a manner prohibited by state or federal law, to cast the ballot for or against any candidate, political party, or public question; or  
(C) as the properly authorized attorney in fact for the undersigned under IC 30-5-5-14, the attorney in fact affirms the voter personally marked the enclosed ballot or ballots in secret and enclosed them in this envelope and sealed them without exhibiting them to the attorney in fact or to any other person.

(6) The date and the voter's signature.

(b) If the affidavit is signed by an attorney in fact, the name of the attorney in fact must be indicated.

(c) A guardian or conservator of an individual may not sign an affidavit for the individual under this section unless the guardian or conservator also holds a power of attorney authorizing the guardian or conservator to sign the affidavit.

SECTION 127. IC 3-11-6.5-0.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 0.3. As used in this chapter,**



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1 **"fund" refers to the election administration assistance fund**  
 2 **established by section 2 of this chapter.**

3 SECTION 128. IC 3-11-6.5-0.7 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. As used in this chapter,**  
 6 **"purchase" includes the purchasing, leasing, and lease-purchasing**  
 7 **of voting systems.**

8 SECTION 129. IC 3-11-6.5-1, AS ADDED BY P.L.239-2001,  
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 UPON PASSAGE]: Sec. 1. (a) As used in this section, "department"  
 11 refers to the Indiana department of administration established by  
 12 IC 4-13-1-2.

13 (b) The department shall award quantity purchase agreements to  
 14 vendors for new voting systems or upgrades or expansion of existing  
 15 voting systems by counties.

16 (c) Both of the following must apply before the department may  
 17 issue a quantity purchase agreement to a voting system vendor:

18 (1) The commission has found that all of the following would be  
 19 enhanced by the vendor's new or upgraded voting system:

20 (A) Reliability of a county's voting system.

21 (B) Efficiency of a county's voting system.

22 (C) Ease of use by voters.

23 (D) Public confidence in a county's voting system.

24 (2) The commission has otherwise approved the vendor's new  
 25 voting system or the upgrade or expansion of the existing voting  
 26 system for use under this title.

27 (d) The quantity purchase agreement must include options for a  
 28 county to:

29 (1) purchase;

30 (2) lease-purchase; or

31 (3) lease;

32 new voting systems or upgrades or expansion of existing voting  
 33 systems.

34 (e) **The purchase of new voting systems or upgrades or**  
 35 **expansions of existing voting systems under a quantity purchase**  
 36 **agreement entered into by the department under this section is**  
 37 **considered an acquisition by the state for purposes of 42 U.S.C.**  
 38 **15401 if the voting system, upgrade, or expansion complies with 42**  
 39 **U.S.C. 15481 through 15502.**

40 (f) **Not later than December 31, 2005, each county shall**  
 41 **purchase at least one (1) voting system under this section for each**  
 42 **polling place in the county to meet the requirements set forth**

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under IC 3-11-15-13.

SECTION 130. IC 3-11-6.5-2, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In accordance with 42 U.S.C. 15404,** the ~~voting system improvement~~ **election administration assistance** fund is established for the ~~purpose of~~ **following purposes:**

(1) **As provided by 42 U.S.C. 15401, to carry out activities to improve the administration of elections for federal office.**

(2) **As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 if the state obtains the equipment after November 7, 2000.**

(3) **As provided by 42 U.S.C. 15401, to use funds provided to the state under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) as a reimbursement of costs in obtaining voting equipment that complies with 42 U.S.C. 15481 under a multiyear contract incurred after December 31, 2000.**

(4) **For reimbursing counties for the**

~~(1) purchase~~

~~(2) lease-purchase; or~~

~~(3) lease;~~

**of new voting systems or for the upgrade or expansion of existing voting systems that would not qualify for reimbursement under subdivision (2) or (3).**

(b) The fund consists of the following:

(1) Money appropriated to the fund by the general assembly, including any money appropriated from the build Indiana fund.

(2) All money allocated to the state by the federal government:

(A) **under Section 101 of HAVA (42 U.S.C. 15301), as required by 42 U.S.C. 15304;**

(B) **under Section 102 of HAVA (42 U.S.C. 15302), as required by 42 U.S.C. 15304;**

(C) **under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408); and**

(D) **under any other program for the improvement of ~~voting systems~~ election administration.**

(3) Proceeds of bonds issued by the Indiana bond bank for improvement of voting systems as authorized by law.

The auditor of state shall establish an account within the fund for





money appropriated by the general assembly and a separate account accounts within the fund for any money received by the state from the federal government for each source of allocations described under subdivision (2). Proceeds of bonds issued by the Indiana bond bank under subdivision (3) may be deposited into either any account, as determined by the election division.

(c) The election division secretary of state shall administer the fund.

(d) The expenses of administering the fund shall be paid from money in the Section 101 account of the fund. If money is not available for this purpose in the Section 101 account of the fund, the expenses of administering the fund shall be paid from money appropriated under subsection (b)(1).

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund and allocated among the accounts within the fund according to the balances of the respective accounts.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is appropriated continuously for the purposes stated in subsection (a).

(h) Money in the fund derived from appropriations made by the general assembly or that are the proceeds of bonds issued by the Indiana bond bank may be used only to reimburse counties for the:

- (1) purchase;
- (2) lease-purchase; or
- (3) lease;

of new voting systems or upgrades or expansion of existing voting systems after June 30, 2001.

(i) Money in the fund derived from money received by the state from the federal government may be used for either of the following purposes:

- (1) To reimburse counties for the:
  - (A) purchase;
  - (B) lease-purchase; or
  - (C) lease;

of new voting systems or upgrades or expansion of existing voting systems after June 30, 2001.

- (2) To reimburse counties for the purchase of new voting systems or upgrades or expansion of existing voting systems after January

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1, 1998, and before July 1, 2001.

SECTION 131. IC 3-11-6.5-3.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.1. (a) This section applies to money received under Title II, Subtitle D, Part I of HAVA (42 U.S.C. 15401 through 15408) and deposited in the account established under section 2 of this chapter for those funds.**

**(b) Except as provided in subsection (c), money deposited in the account must be used to comply with the requirements of Title III of HAVA (42 U.S.C. 15481 through 15502).**

**(c) As authorized under 42 U.S.C. 15401(b), money deposited in the account may be used for other purposes authorized under Section 101 of HAVA (42 U.S.C. 15301) if the secretary of state files the certification required by Section 251(b)(2)(B) of HAVA (42 U.S.C. 15401(b)(2)(A)).**

**(d) If the secretary of state makes the certification described in subsection (c), the secretary of state may transfer amounts that do not in total exceed the amount described in Section 251(b)(2)(B) from the Title II account of the fund to the Section 101 account of the fund.**

**(e) In conformity with Section 254(a)(7) of HAVA (42 U.S.C. 15404), the state shall maintain expenditures by the state for activities funded by the payment of funds described by this section at a level that is not less than the level of those expenditures maintained by the state for the fiscal year ending June 30, 2000.**

SECTION 132. IC 3-11-6.5-4, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a) To receive reimbursement for the purchase of voting systems under this chapter, a county must file an application with the budget agency. If a county filed an application under section 3 of this chapter (repealed) not later than January 31, 2003, the application may be amended to comply with this chapter or the county may file a new application under this subsection.**

**(b) The budget agency, after review by the budget committee, shall approve a county's application for reimbursement under this chapter if the county's application demonstrates to the budget agency determines either of the following:**

- (1) That The county has purchased or will**
  - (A) purchase;**
  - (B) lease-purchase; or**
  - (C) lease;**



a new voting system or an upgrade or expansion of an existing voting system ~~from a vendor that has a quantity purchase agreement awarded under section 1 of this chapter.~~ **to comply with HAVA that would be eligible for reimbursement under HAVA and this chapter from any fund account.**

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after ~~January 1, 1998~~, **November 5, 1996**, and before ~~July 1, 2001~~, **November 8, 2000**, **that would not qualify for reimbursement from federal funds received under HAVA**, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

- (A) Reliability of the county's voting system.
- (B) Efficiency of the county's voting system.
- (C) Ease of use of the county's voting system by voters.
- (D) Public confidence in the county's voting system.

SECTION 133. IC 3-11-6.5-5, AS ADDED BY P.L.239-2001, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the ~~election division~~ **secretary of state** shall, subject to this section, reimburse the county from the voting system improvement fund an amount equal to:

**(1) fifty percent (50%) of the purchase price of a new voting system or the upgrade or expansion of an existing voting system, if the county purchased the new voting system, upgrade, or expansion after December 31, 1997, and the county qualifies for reimbursement under section 4(b)(1) or 4(b)(2) of this chapter; and**

**(2) twenty-five percent (25%) of the purchase price of a new voting system or the upgrade or expansion of an existing voting system if the county purchased the new voting system, upgrade, or expansion after November 5, 1996, and before January 1, 1998.** If the county has entered into an agreement to lease-purchase or lease a new voting system or the upgrade or expansion of an existing voting system **after December 31, 1997**, each year the election division shall reimburse the county fifty percent (50%) of the county's lease-purchase or lease payments for that year. **If the county has entered into an agreement to lease-purchase or lease a new voting system or the upgrade or expansion of an existing voting system after November 5, 1996, and before January 1, 1998, each year the election division shall reimburse the county twenty-five percent (25%)**



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1           **of the county's lease-purchase or lease payments for that year.**

2           (b) Payment of money from the ~~voting system improvement~~ fund is  
3 subject to the availability of money in the fund and the requirements of  
4 this chapter **and HAVA. If an application is approved under this**  
5 **section, the election division shall reimburse the county from the**  
6 **fund.**

7           (c) It is the intent of the general assembly that a county eligible for  
8 reimbursement under section 4 of this chapter be reimbursed from  
9 federal money received by the state to the maximum extent permitted  
10 by federal law.

11           (d) This section expires January 1, 2006.

12           SECTION 134. IC 3-11-6.5-6.1 IS ADDED TO THE INDIANA  
13 CODE AS A NEW SECTION TO READ AS FOLLOWS  
14 [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. When approving**  
15 **applications for reimbursement for voting systems under this**  
16 **chapter, the budget agency shall give priority to approving**  
17 **applications to replace a punch card voting system or voting**  
18 **machine system.**

19           SECTION 135. IC 3-11-6.5-7.1 IS ADDED TO THE INDIANA  
20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
21 [EFFECTIVE UPON PASSAGE]: **Sec. 7.1. (a) This section applies**  
22 **to money received under Section 102 of HAVA (42 U.S.C. 15302)**  
23 **and deposited in the account established under section 2 of this**  
24 **chapter for those funds.**

25           (b) Money deposited in the account must be used for the  
26 purposes set forth in Section 102 of HAVA (42 U.S.C. 15302).

27           (c) As permitted under 42 U.S.C. 15302, the secretary of state  
28 may directly purchase voting systems that comply with the  
29 requirements for voting systems referenced under 42 U.S.C. 15302.  
30 If the secretary of state purchases voting systems under this  
31 subsection, the secretary of state shall furnish the voting systems  
32 to counties that apply under subsection (d).

33           (d) As permitted under 42 U.S.C. 15302, a county may apply to  
34 receive reimbursement from the funds or voting systems acquired  
35 under subsection (c).

36           (e) To receive reimbursement or voting systems under this  
37 section, a county must file an application with the budget agency.  
38 If a county filed an application under section 3 of this chapter not  
39 later than January 31, 2003, the application may be amended to  
40 comply with this chapter or the county may file a new application  
41 under this subsection.

42           (f) The budget agency, after review by the budget committee,



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1 shall approve a county's application for reimbursement if the  
 2 budget agency determines that the county has purchased a voting  
 3 system to comply with Section 102 of HAVA and is eligible for  
 4 reimbursement under this section.

5 (g) The budget agency, after review by the budget committee,  
 6 shall approve a county's application for disbursement of voting  
 7 systems to the county if the budget agency determines that the  
 8 county is entitled to receive voting systems under this section to  
 9 comply with Section 102 of HAVA.

10 (h) If a county's application for reimbursement is approved  
 11 under this section, the secretary of state shall, subject to subsection  
 12 (j), reimburse the county from the fund in an amount not more  
 13 than the amount determined by STEP TWO of the following  
 14 formula:

15 STEP ONE: Determine the number of precincts in the county  
 16 that used a voting machine voting system or a punch card  
 17 voting system at the November 7, 2000, general election.

18 STEP TWO: Multiply the number determined in STEP ONE  
 19 by four thousand dollars (\$4,000).

20 (i) If a county's application for reimbursement is approved  
 21 under this section, the secretary of state shall, subject to subsection  
 22 (j), furnish the county a number of voting systems acquired by the  
 23 secretary of state determined by the secretary of state to be  
 24 sufficient to replace the number of voting machine systems or  
 25 punch card ballot voting systems used in the county as of  
 26 November 7, 2000.

27 (j) Payment of money from the fund under this section is subject  
 28 to the availability of money in the fund and the requirements of  
 29 this chapter and HAVA.

30 SECTION 136. IC 3-11-6.5-8, AS ADDED BY P.L.239-2001,  
 31 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2003]: Sec. 8. (a) This section applies to money received  
 33 under Section 101 of HAVA (42 U.S.C. 15301) and deposited in the  
 34 account established under section 2 of this chapter for those funds.

35 (b) Money deposited in the account must be used in accordance  
 36 with the requirements applicable under Section 101 of HAVA (42  
 37 U.S.C. 15301).

38 (c) The money may be used for the following purposes:

39 (1) By the secretary of state for any purpose authorized by  
 40 this title and permitted under 42 U.S.C. 15301.

41 (2) To reimburse counties for the purchase of new voting  
 42 systems eligible for reimbursement under section 7.1 of this



chapter, to the extent that money received and deposited under section 7.1 of this chapter is insufficient to replace all voting machine systems and punch card voting systems in Indiana.

(3) To reimburse counties for the upgrade or expansion of existing voting systems to comply with HAVA.

(d) As permitted under 42 U.S.C. 15301, a county may apply to receive reimbursement under subsection (c).

(e) To receive payment for the development and implementation of a program for educating voters about voting procedures, reimbursement under this section, a county must make an application to the budget agency in the form required by the budget agency. If the county filed an application under section 3 of this chapter not later than January 31, 2003:

(1) the application may be amended to comply with this chapter; or

(2) the county may file a new application under this section.

~~(b)~~ (f) The budget agency, after review by the budget committee, shall approve a county's application for payment reimbursement under this chapter section if the county's application demonstrates to the budget agency all of the following:

(1) That the county has developed a program for educating voters about the use of the county's voting system.

(2) That the commission has approved the program and the county's implementation plan for the program.

(3) That the program will enhance all of the following:

(A) Familiarity of voters with the county's voting system.

(B) Accessibility of the county's voting system to voters.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

determines that the application complies with the requirements for reimbursement under subsection (c)(2) or (c)(3).

~~(c)~~ (g) If a county's application is approved under this section, subsection (c)(2), the division secretary of state shall, subject to subsection ~~(d)~~ (i), pay the county from the voting system education fund an amount equal to fifty percent (50%) of the amount of reasonable development and implementation costs of the county's program for educating voters about voting procedures, as determined by the budget agency: not more than the amount determined by STEP TWO of the following formula:

STEP ONE: Determine the number of precincts in the county that used a voting machine voting system or a punch card



voting system at the November 7, 2000, general election that cannot be replaced with funds available under section 7.1 of this chapter.

**STEP TWO: Multiply the number determined in STEP ONE by four thousand dollars (\$4,000).**

**(h) If a county's application is approved under subsection (c)(3), the secretary of state shall, subject to subsection (i), pay the county from the fund in an amount equal to fifty percent (50%) of the purchase price of the upgrade or expansion of an existing voting system.**

**(d) (i) Payment of money from the ~~voting system~~ education fund under this section is subject to the availability of money in the fund and the requirements of this chapter and HAVA.**

**SECTION 137. IC 3-11-8-3.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.4. (a) As authorized under 42 U.S.C. 15421, a county election board may apply on behalf of a county to the Secretary of Health and Human Services for payments under HAVA (42 U.S.C. 15421 through 15425) to do the following:**

**(1) Make polling places (including the path of travel, entrances, exits, and voting areas of each polling place) more accessible to individuals with disabilities, including the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.**

**(2) Provide individuals with disabilities and other individuals described in subdivision (1) with information about the accessibility of polling places, including outreach programs to inform the individuals about the availability of accessible polling places and training election officials, poll workers, and election volunteers on how best to promote the access and participation of individuals with disabilities in elections.**

**(b) If a county election board submits an application under subsection (a), the application must:**

**(1) comply with 42 U.S.C. 15423; and**

**(2) be filed with the election division not later than the submission of the application under subsection (a).**

**(c) If a county election board receives payments from the Secretary of Health and Human Services under 42 U.S.C. 15421 through 15425, the payments shall be deposited in the county general fund and appropriated to the county election board for the**

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purposes described in the application. The county election board shall spend the money for the purposes described in the application.

(d) As required by 42 U.S.C. 15425, the county election board shall file a report with the Secretary of Health and Human Services regarding the activities conducted with these funds and the expenditures made with respect to the categories listed in subsection (a)(1) and (a)(2). The county election board shall file a copy of the report with the election division and the state board of accounts not later than the date the report is submitted under this subsection.

SECTION 138. IC 3-11-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) When the hour for closing the polls occurs, the precinct election board shall permit all voters who:

- (1) have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list;
- (2) have signed the poll list but who have not voted; or
- (3) are in the act of voting;

to vote. In addition, the inspector shall require all voters who have not yet passed the challengers to line up in single file within the chute. The poll clerks shall record the names of the voters in the chute, and these voters may vote unless otherwise prevented according to law.

(b) This subsection applies:

- (1) after December 31, 2003; and
- (2) if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter.

As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voter in accordance with IC 3-11.7.

SECTION 139. IC 3-11-8-15, AS AMENDED BY P.L.38-1999, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) Persons other than:

- (1) members of a precinct election board;
- (2) poll clerks and assistant poll clerks;
- (3) election sheriffs;
- (4) deputy election commissioners;
- (5) pollbook holders;
- (6) watchers; and



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(7) minor children accompanying voters as provided under IC 3-11-11-8 and IC 3-11-12-29; **and**

**(8) an assistant to a precinct election officer appointed under IC 3-6-6-39;**

are not permitted in the polls during an election except for the purpose of voting.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 140. IC 3-11-8-22, AS AMENDED BY P.L.126-2002, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. (a) A voter challenged under section 20 of this chapter may vote if the voter makes an affidavit in writing ~~that the voter is a legal voter of the precinct under section 23 of this chapter~~ and either of the following applies:

(1) The voter's name appears on the registration list.

(2) The voter does one (1) of the following:

(A) Produces a certificate of error issued by a registration official of the county in accordance with IC 3-7-48 showing that the voter is registered in the precinct where the voter resides and offers to vote.

(B) Produces an affidavit executed under IC 3-10-10 or IC 3-10-11 if the voter executed an affidavit under those provisions.

(C) Makes an oral or a written affirmation under IC 3-10-12.

(b) After December 31, 2003, a voter challenged under section 20 of this chapter:

(1) whose name does not appear on the registration list; and

(2) who is not permitted to cast a vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12;

is entitled to cast a provisional ballot under IC 3-11.7 if the voter makes an affidavit in writing that the voter is a legal voter of the precinct.

SECTION 141. IC 3-11-8-23, AS AMENDED BY P.L.126-2002, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 23. The affidavit of a challenged voter required by section 22 of this chapter must be sworn and affirmed and must contain the following:

- (1) A statement that the voter is a citizen of the United States.
- (2) The voter's date of birth to the best of the voter's information and belief.
- (3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.
- (4) The voter's name and a statement that the voter is generally known by that name.
- (5) A statement that the voter has not voted and will not vote in any other precinct in this election.
- (6) The voter's occupation.
- (7) The voter's current residential address, including the street or number and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.
- (8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.
- (9) After December 31, 2003, if the individual's name does not appear on the registration list and the individual is not entitled to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12, a statement that the individual registered to vote and where the individual believes the individual registered to vote **during the registration period described by:**
  - (A) IC 3-7-13-10; or
  - (B) IC 3-7-36-11, if the voter registered under that section.

SECTION 142. IC 3-11-8-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 23.5. (a) This section applies after December 31, 2003.**

**(b) In accordance with 42 U.S.C. 15482, a voter challenged under section 21 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.**

SECTION 143. IC 3-11-8-25, AS AMENDED BY P.L.199-2001, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll



clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(b) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

**(c) This subsection applies after December 31, 2003. The poll clerk or assistant poll clerk shall examine the list provided under IC 3-7-29-1 or IC 3-11-3-18 to determine if the county election board has indicated that the voter is required to provide additional personal identification under 42 U.S.C. 15483 and IC 3-7-33-4.5 before voting in person. If the list (or a certification concerning absentee voters under IC 3-11-10-12) indicates that the voter is required to present this identification before voting in person, the poll clerk shall advise the voter that the voter must present a piece of identification described in subsection (d) to the poll clerk.**

**(d) This subsection applies after December 31, 2003. As required by 42 U.S.C. 15483, a voter described by IC 3-7-33-4.5 who has not complied with IC 3-7-33-4.5 before appearing at the polls on election day must present one (1) of the following documents to the poll clerk:**

**(1) a current and valid photo identification; or**

**(2) a current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the voter.**

**(e) This subsection applies after December 31, 2003. If a voter presents a document under subsection (d), the poll clerk shall add a notation to the list indicating the type of document presented by the voter. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.**

**(f) This subsection applies after December 31, 2003. If a voter required to present documentation under subsection (d) is unable to present the documentation to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The**

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board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(g) This subsection applies after December 31, 2003. The precinct election board shall advise the voter that the voter may file a copy of the documentation with the county voter registration office to permit the provisional ballot to be counted under IC 3-11.7.

(h) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

- (1) furnished with a list certified under IC 3-7-29; and
- (2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

~~(d)~~ (i) If, in a precinct governed by subsection ~~(c)~~: (h):

- (1) the poll clerk does not execute a challenger's affidavit; or
- (2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

**(j) This section expires January 1, 2006.**

SECTION 144. IC 3-11-8-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 25.1. (a) This section applies after December 31, 2005.**

**(b) After a voter has passed the challengers or has been sworn in, the voter shall be admitted to the polls. Upon entering the polls, the voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:**

- (1) The voter's name.**
- (2) The voter's current residence address.**

**(c) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:**



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(1) ask the voter to provide, update, or confirm the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide, update, or confirm a voter identification number at the polls.

(d) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(e) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

SECTION 145. IC 3-11-8-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 25.5. If an individual signs the individual's name and address on the poll list under section 25 of this chapter and then leaves the polls without casting a ballot **or after casting a provisional ballot**, the voter may not be permitted to reenter the polls to cast a ballot at the election.

SECTION 146. IC 3-11-8-26, AS AMENDED BY P.L.199-2001, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) If a voter:

(1) cannot sign; or

(2) is a voter with a disability that makes it difficult for the voter to sign;

the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.

(b) If satisfied as to the voter's identity under subsection (a), one (1) of the poll clerks shall then place the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(c) The poll clerks shall:

(1) ask the voter to provide the voter's voter identification

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number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(d) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.

**(e) This section expires January 1, 2006.**

SECTION 147. IC 3-11-8-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 26.1. (a) This section applies after December 31, 2005.**

**(b) If a voter:**

**(1) cannot sign; or**

**(2) is a voter with a disability that makes it difficult for the voter to sign;**

**the voter's name and address, the poll clerks shall, by proper interrogation, satisfy themselves that the voter is the person the voter represents the voter to be.**

**(c) If satisfied as to the voter's identity under subsection (b), one (1) of the poll clerks shall then place the following on the poll list:**

**(1) The voter's name.**

**(2) The voter's current residence address.**

**(d) The poll clerks shall:**

**(1) ask the voter to provide, update, or confirm the voter's voter identification number;**

**(2) tell the voter the number the voter may use as a voter identification number; and**

**(3) explain to the voter that the voter is not required to provide, update, or confirm a voter identification number at the polls.**

**(e) The poll clerk shall then add the clerk's initials in parentheses, after or under the signature. The voter then may vote.**

SECTION 148. IC 3-11-8-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION [EFFECTIVE JANUARY 1, 2004]: **Sec. 27.5. (a) This section applies after December 31, 2003.**

**(b) In accordance with 42 U.S.C. 15482, a voter challenged under section 27 of this chapter is entitled to cast a provisional ballot under IC 3-11.7 after executing the affidavit under section 23 of this chapter.**

SECTION 149. IC 3-11-10-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) This section applies after December 31, 2003.

(b) Upon receipt of an absentee ballot from a voter required to provide additional information to the county voter registration office under IC 3-7-33-4.5, the county election board shall contact the county voter registration office to determine if the additional information has been filed with the office by the voter.

(c) If the voter has filed the information with the county voter registration office, the county election board shall add a notation to the application indicating that the required information has been filed and that the absentee ballot may be counted if the ballot otherwise complies with this article.

(d) If the voter has not filed the information with the county voter registration office, the county election board shall add a notation on the application filed by a voter described under subsection (c) and on the envelope provided under this chapter reading substantially as follows:

"INSPECTOR: AS OF (insert date absentee ballot application approved) THIS VOTER WAS REQUIRED TO FILE ADDITIONAL DOCUMENTATION WITH THE COUNTY VOTER REGISTRATION OFFICE BEFORE THIS BALLOT MAY BE COUNTED. CHECK THE POLL LIST AND COUNTY ELECTION BOARD CERTIFICATION TO SEE IF THE VOTER HAS FILED THIS INFORMATION. IF NOT, PROCESS AS A PROVISIONAL BALLOT IF THIS BALLOT OTHERWISE COMPLIES WITH INDIANA LAW."

SECTION 150. IC 3-11-10-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before 6 p.m.

(b) This subsection applies after December 31, 2003. Not later than noon on election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation to permit the board to provide certification of this filing to the appropriate precinct election boards before 6 p.m.

SECTION 151. IC 3-11-10-12 IS AMENDED TO READ AS



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1 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) Each county  
2 election board shall have all absentee ballots delivered to the precinct  
3 election boards at their respective polls on election day.

4 (b) The absentee ballots shall be delivered during the hours that the  
5 polls are open and in sufficient time to enable the precinct election  
6 boards to vote the ballots during the time the polls are open.

7 (c) **This subsection applies after December 31, 2003. Along with**  
8 **the absentee ballots delivered to the precinct election boards under**  
9 **subsection (a), each county election board shall provide a list**  
10 **certified by the circuit court clerk. This list must state the name of**  
11 **each voter subject to IC 3-7-33-4.5 who:**

12 (1) **filed the documentation required by IC 3-7-33-4.5 with the**  
13 **county voter registration office after the printing of the**  
14 **certified list under IC 3-7-29 or the poll list under**  
15 **IC 3-11-3-18; and**

16 (2) **as a result, is entitled to have the voter's absentee ballot**  
17 **counted if the ballot otherwise complies with this title.**

18 (d) **This subsection applies after December 31, 2003. If the**  
19 **county election board is notified not later than 3 p.m. on election**  
20 **day by the county voter registration office that a voter subject to**  
21 **IC 3-7-33-4.5 and not identified in the list certified under**  
22 **subsection (c) has filed documentation with the office that complies**  
23 **with IC 3-7-33-4.5, the county election board shall transmit a**  
24 **supplemental certified list to the appropriate precinct election**  
25 **board. If the board determines that the supplemental list may not**  
26 **be received before the closing of the polls, the board shall:**

27 (1) **attempt to contact the precinct election board to inform**  
28 **the board regarding the content of the supplemental list; and**  
29 (2) **file a copy of the supplemental list for that precinct as part**  
30 **of the permanent records of the board.**

31 (e) **This subsection applies to a special write-in absentee ballot**  
32 **described in:**

33 (1) **42 U.S.C. 1973ff for federal offices; and**

34 (2) **IC 3-11-4-12(d) for state offices.**

35 If the county election board receives both a special write-in absentee  
36 ballot and the regular absentee ballot described by IC 3-11-4-12 from  
37 the same voter, the county election board shall reject the special  
38 write-in ballot and deliver only the regular absentee ballot to the  
39 precinct election board.

40 SECTION 152. IC 3-11-10-16, AS AMENDED BY P.L.126-2002,  
41 SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2003]: Sec. 16. (a) If the inspector finds under section 15 of

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1 this chapter that:

- 2 (1) the affidavit is properly executed;
- 3 (2) the signatures correspond;
- 4 (3) the absentee voter is a qualified voter of the precinct;
- 5 (4) the absentee voter is registered **and after December 31, 2003,**
- 6 **is not required to file additional information with the county**
- 7 **voter registration office under IC 3-7-33-4.5;**
- 8 (5) the absentee voter has not voted in person at the election; and
- 9 (6) in case of a primary election, if the absentee voter has not
- 10 previously voted, the absentee voter has executed the proper
- 11 declaration relative to age and qualifications and the political
- 12 party with which the absentee voter intends to affiliate;

13 then the inspector shall open the envelope containing the absentee  
14 ballots so as not to deface or destroy the affidavit and take out each  
15 ballot enclosed without unfolding or permitting a ballot to be unfolded  
16 or examined.

17 (b) The inspector shall then hand the ballots to the judges who shall  
18 deposit the ballots in the proper ballot box and enter the absentee  
19 voter's name on the poll list, as if the absentee voter had been present  
20 and voted in person. If the voter has registered and voted under  
21 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court  
22 clerk's certification that the voter has registered.

23 (c) If an absentee ballot is opened under this section in a precinct  
24 using voting machines, the precinct election board shall prepare  
25 certificates and memoranda under IC 3-12-2-6 that distinguish the  
26 votes cast by absentee ballots from votes cast on voting machines.

27 SECTION 153. IC 3-11-10-16.5 IS ADDED TO THE INDIANA  
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2003]: **Sec. 16.5. (a) This section applies after**  
30 **December 31, 2003.**

31 **(b) If the inspector finds under section 16(a) of this chapter that**  
32 **the voter has not filed the additional information required to be**  
33 **filed with the county voter registration office under IC 3-7-33-4.5,**  
34 **but that all of the other findings listed under section 16(a) of this**  
35 **chapter apply, the inspector shall direct that the absentee ballot be**  
36 **processed as a provisional ballot under IC 3-11.7.**

37 SECTION 154. IC 3-11-10-24.5 IS ADDED TO THE INDIANA  
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2003]: **Sec. 24.5. (a) This section applies after**  
40 **December 31, 2005.**

41 **(b) As required by 42 U.S.C. 15481, an election board must**  
42 **establish a voter education program (specific to a paper ballot or**

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1 **optical scan ballot card provided as an absentee ballot under this**  
 2 **chapter) to notify a voter of the effect of casting multiple ballots for**  
 3 **a single office.**

4 SECTION 155. IC 3-11-10-25, AS AMENDED BY P.L.126-2002,  
 5 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2003]: Sec. 25. (a) A voter who votes by absentee ballot  
 7 because of:

8 (1) illness or injury; or

9 (2) caring for a confined person at a private residence;

10 and who is within the county on election day may vote before an  
 11 absentee voter board or by mail.

12 (b) If requested by a voter described in subsection (a) or by a voter  
 13 with disabilities whose precinct is not accessible to voters with  
 14 disabilities, an absentee voter board shall visit the voter's place of  
 15 confinement, the residence of the voter with disabilities, or the private  
 16 residence:

17 (1) during the regular office hours of the circuit court clerk;

18 (2) at a time agreed to by the board and the voter;

19 (3) on any of the twelve (12) days immediately before election  
 20 day; and

21 (4) only once before an election, unless:

22 (A) the confined voter is unavailable at the time of the board's  
 23 first visit due to a medical emergency; or

24 (B) the board, in its discretion, decides to make an additional  
 25 visit.

26 (c) This subsection applies to a voter confined due to illness or  
 27 injury. An absentee voter board may not be denied access to the voter's  
 28 place of confinement if the board is present at the place of confinement  
 29 at a time:

30 (1) agreed to by the board and the voter; and

31 (2) during the regular office hours of the circuit court clerk. A  
 32 person who knowingly violates this subsection commits  
 33 obstruction or interference with an election officer in the  
 34 discharge of the officer's duty, a violation of IC 3-14-3-4.

35 (d) The county election board, by unanimous vote of the board's  
 36 entire membership, may authorize an absentee voter board to visit a  
 37 voter who is confined due to illness or injury and will be outside of the  
 38 county on election day in accordance with the procedures set forth in  
 39 subsection (b).

40 **(e) This subsection applies after December 31, 2005. As**  
 41 **provided by 42 U.S.C. 15481, a voter casting an absentee ballot**  
 42 **under this section must be:**

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(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;

(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 156. IC 3-11-10-26, AS AMENDED BY P.L. 126-2002, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk; or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must sign an application on the form prescribed by the commission under IC 3-11-4-5.1 before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than twenty-nine (29) days nor later than noon on the day before election day.

(d) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(e) Notwithstanding subsection (d), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the

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two (2) Saturdays preceding election day.

**(f) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:**

**(1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.**

**(g) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:**

**(1) information concerning the effect of casting multiple votes for an office; and**

**(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.**

SECTION 157. IC 3-11-10-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 28. **(a)** A voter voting before an absentee voter board shall mark the voter's ballot in the presence of the board, but not in such a manner that either of the members of the board can see for whom the voter voted, unless the voter requests the help of the board in marking a ballot under IC 3-11-9.

**(b)** The voter shall then, in the presence of the board, place the ballot in an envelope furnished by the county election board.

**(c)** The circuit court clerk shall provide, to the extent practicable, the same degree of privacy to absentee voters voting at the office of the circuit court clerk as provided to voters at the polls on election day.

**(d) This subsection applies to a voter required to present additional information under IC 3-7-33-4.5. If the voter does not present the required additional information before receiving the absentee ballot, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.**

**(e) Upon accepting the completed absentee ballot from the voter,**



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the board shall provide the voter with a notice:

- (1) listing the documentation the voter may submit to the county voter registration office to comply with IC 3-7-33-4.5; and
- (2) stating the address and hours of the county voter registration office.

SECTION 158. IC 3-11-10-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 35. (a) After December 31, 2003, this section does not apply to an absentee ballot required to be treated as a provisional ballot under IC 3-11.7.

(b) If an envelope containing an absentee ballot has not been opened before the close of the polls, then the envelope may not be opened without an order of a court.

SECTION 159. IC 3-11-11-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.2. (a) This section applies after December 31, 2005.

(b) As required by 42 U.S.C. 15481, an election board must establish a voter education program to notify a voter of the effect of casting multiple ballots for a single office on a paper ballot.

SECTION 160. IC 3-11-11-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) After a voter has signed the poll list, one (1) of the poll clerks or assistant poll clerks shall deliver to the voter one (1) of each ballot that the voter is entitled to vote at the election and one (1) pencil or pen. Both judges, on request, shall give an explanation of the voting method. If necessary, a precinct election officer shall assist a voter in determining if the proper initials appear on a ballot.

(b) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, when a voter receives a paper ballot under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 161. IC 3-11-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) This section is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what constitutes a vote on a paper ballot.

(b) After receiving ballots under section 6 of this chapter, a voter

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shall, without leaving the room, go alone into one (1) of the booths or compartments that is unoccupied and indicate:

(1) the candidates for whom the voter desires to vote by making a voting mark on or in the squares immediately before the candidates' names; and

(2) the voter's preference on each public question by making a voting mark in front of the word "yes" or "no" under the question.

~~(b)~~ (c) Write-in votes shall be cast by:

(1) making a voting mark on or in the square immediately before the space provided for write-in voting; and

(2) printing the name of the candidate in the space provided for write-in voting.

SECTION 162. IC 3-11-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) A voter shall mark all ballots while screened from observation. The exterior of a voting booth or compartment and each area of the polls must be in plain view of the precinct election board. Each voting booth or compartment shall be placed so that a person voting on the opposite side of the railing or a person on the outside of the polls cannot see or determine how a voter votes. The inspector, judges, and poll clerks may not remain or allow any other person to remain in a position or near a position that would permit them to see or ascertain how a voter votes.

(b) **This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting a paper ballot under this section must be:**

(1) **permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;**

(2) **provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

(3) **notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.**

SECTION 163. IC 3-11-12-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 40. This chapter expires January 1, 2006.**

SECTION 164. IC 3-11-13-4.5 IS ADDED TO THE INDIANA



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1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) This section applies after**  
 3 **December 31, 2005.**

4 **(b) As required by 42 U.S.C. 15481, an election board must**  
 5 **establish a voter education program to notify a voter of the effect**  
 6 **of casting multiple ballots for a single office on an optical scan**  
 7 **ballot card tabulated at a central location.**

8 SECTION 165. IC 3-11-13-18, AS AMENDED BY P.L.239-2001,  
 9 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2003]: Sec. 18. (a) This subsection does not apply to an  
 11 optical scan voting system **and expires January 1, 2006.** Each ballot  
 12 card provided under section 17 of this chapter must have two (2)  
 13 attached perforated stubs on which is printed the same serial number.  
 14 The top stub shall be bound or stapled in the package of ballot cards  
 15 retained by the precinct election officers. The following information  
 16 must be printed on the second stub:

- 17 (1) The name of the political subdivision holding the election.
- 18 (2) The designation of the election.
- 19 (3) The date of the election.
- 20 (4) The instructions to the voters.
- 21 (5) In a primary election, the name of the political party.

22 (b) The county election board in a county using a ballot card voting  
 23 system shall provide ballot cards to the precinct election board that  
 24 permit voters to cast write-in votes for each officer to be voted for at  
 25 that election.

26 (c) The ballot cards provided under subsection (b) must be:

- 27 (1) designed to be folded; or
- 28 (2) accompanied by a secrecy envelope;

29 to ensure the secrecy of each of the votes cast by a voter.

30 **(d) This subsection is enacted to comply with 42 U.S.C. 15481 by**  
 31 **establishing uniform and nondiscriminatory standards to define**  
 32 **what constitutes a vote on an optical scan voting system.** A write-in  
 33 vote shall be cast by printing the name of the candidate and the title of  
 34 the office in the space provided for write-in votes on a ballot card or  
 35 secrecy envelope.

36 SECTION 166. IC 3-11-13-20, AS AMENDED BY P.L.239-2001,  
 37 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2003]: Sec. 20. (a) This section does not apply to an optical  
 39 scan voting system.

40 (b) Each county election board shall maintain a record of the serial  
 41 numbers of all of the ballot cards provided to a precinct and shall note  
 42 in this record the precinct to which each ballot card relates.



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1       **(c) This section expires January 1, 2006.**

2       SECTION 167. IC 3-11-13-28.5, AS AMENDED BY P.L.239-2001,  
3       SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4       JULY 1, 2003]: Sec. 28.5. (a) Unless challenged, a voter may proceed  
5       to vote.

6       (b) This subsection does not apply to an optical scan voting system.  
7       After a voter has signed the poll list, the poll clerk holding the ballot  
8       card shall remove the top stub, as described in section 18 of this  
9       chapter, and deliver to the voter one (1) of each ballot card that the  
10      voter is entitled to vote at the election. The top stub (and any second  
11      stub declined by the voter under section 33 of this chapter) shall be  
12      retained by the precinct election board and returned to the election  
13      board following the close of the polls.

14      (c) As each successive voter calls for a ballot, the poll clerks shall  
15      deliver to the voter the first initialed ballot of each type. The inspector  
16      shall then deliver to the poll clerks another ballot of each type, which  
17      the clerks shall initial as before.

18      **(d) This subsection applies after December 31, 2005, to an**  
19      **optical scan ballot card ballot tabulated at a central location. As**  
20      **provided by 42 U.S.C. 15481, when a voter receives an optical scan**  
21      **ballot card ballot, the board must also provide the voter with:**

22          **(1) information concerning the effect of casting multiple votes**  
23          **for an office; and**

24          **(2) instructions on how to correct the ballot before the ballot**  
25          **is cast and counted, including the issuance of replacement**  
26          **ballots.**

27      SECTION 168. IC 3-11-13-28.7, AS AMENDED BY P.L.176-1999,  
28      SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
29      JULY 1, 2003]: Sec. 28.7. (a) The two (2) poll clerks of each precinct  
30      shall place their initials in ink on the secrecy envelope of a ballot card  
31      (or on the fold-over part of a ballot card described in section 18(c)(1)  
32      of this chapter) at the time the card is issued to a voter. The initials  
33      must be in the poll clerk's ordinary handwriting or printing and without  
34      a distinguishing mark of any kind.

35      **(b) This subsection is enacted to comply with 42 U.S.C. 15481 by**  
36      **establishing uniform and nondiscriminatory standards to define**  
37      **what constitutes a vote on an optical scan voting system. A write-in**  
38      **vote cast on a secrecy envelope or fold-over envelope:**

39          (1) is not valid unless:

40              (A) the secrecy envelope is initialed by both poll clerks; and

41              (B) the vote includes both the name of the write-in candidate  
42              and the office for which the write-in vote is cast; and

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(2) makes the secrecy envelope or fold-over envelope a ballot for purposes of this title.

SECTION 169. IC 3-11-13-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 29. (a) In addition to the instructions printed on the ballot card or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed by both judges, on request, on how to operate the voting device before the voter enters the voting booth.

(b) The instructions posted in the voting booth or placed on the marking device must state the following:

(1) That the voter should examine the ballot card to determine if it contains the initials of the poll clerks in ink on the back of the card.

(2) That the voter should not make an unnecessary mark or punch on the ballot card because the mark or punch may void the card.

(3) That the voter should examine the ballot card to determine if the card has any mark (other than the initials of the poll clerks) before voting.

(4) That the voter should return the ballot card to the poll clerks and request another ballot card if:

(A) the poll clerks' initials have not been properly placed on the card;

(B) the card has a mark (other than the initials of the poll clerks) before the voter places a voting mark on the ballot; or

(C) the voter has improperly marked or punched the card.

(5) That the voter should examine the ballot card after voting to determine that all marks or punches made on the card to indicate the voter's selections have been completely marked or punched.

**(c) This subsection applies after December 31, 2005. As provided by 42 U.S.C. 15481, a voter casting an optical scan ballot card under this section must be:**

**(1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an**

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1           **opportunity to correct the ballot before the ballot is cast and**  
 2           **counted.**

3           SECTION 170. IC 3-11-13-31.7, AS AMENDED BY P.L.176-1999,  
 4           SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5           JULY 1, 2003]: Sec. 31.7. (a) **This section is enacted to comply with**  
 6           **42 U.S.C. 15481 by establishing uniform and nondiscriminatory**  
 7           **standards to define what constitutes a vote on an optical scan**  
 8           **voting system.**

9           **(b)** After receiving ballot cards, a voter shall, without leaving the  
 10          room, go alone into one (1) of the booths or compartments that is  
 11          unoccupied and indicate:

12          (1) the candidates for whom the voter desires to vote by punching  
 13          a hole in or marking the squares immediately beside the  
 14          candidates' names; and

15          (2) the voter's preference on each public question by punching a  
 16          hole in or marking the square beside the word "yes" or "no" under  
 17          the question.

18          ~~(b)~~ **(c)** If an election is a general or municipal election and a voter  
 19          desires to vote for all the candidates of one (1) political party or group  
 20          of petitioners, the voter may punch a hole in or mark the circle  
 21          enclosing the device and beside the name under which the candidates  
 22          of the party or group of petitioners are printed. The voter's vote shall  
 23          then be counted for all the candidates under that name. However, if the  
 24          voter punches a hole in or marks the circle of an independent ticket  
 25          comprised of two (2) candidates, the vote shall not be counted for any  
 26          other independent candidate on the ballot.

27          SECTION 171. IC 3-11-14-23 IS AMENDED TO READ AS  
 28          FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 23. (a) **This section is**  
 29          **enacted to comply with 42 U.S.C. 15481 by establishing uniform**  
 30          **and nondiscriminatory standards to define what constitutes a vote**  
 31          **on an electronic voting system.**

32          **(b)** If a voter is not challenged by a member of the precinct election  
 33          board, the voter may pass the railing to the side where an electronic  
 34          voting system is and into the voting booth. There the voter shall  
 35          register the voter's vote in secret by indicating:

36          (1) the candidates for whom the voter desires to vote by touching  
 37          a device on or in the squares immediately above the candidates'  
 38          names;

39          (2) if the voter intends to cast a write-in vote, a write-in vote by  
 40          touching a device on or in the square immediately below the  
 41          candidates' names and printing the name of the candidate in the  
 42          window provided for write-in voting; and

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(3) the voter's preference on each public question by touching a device above the word "yes" or "no" under the question.

~~(b)~~ (c) If an election is a general or municipal election and a voter desires to vote for all the candidates of one (1) political party or group of petitioners, the voter may cast a straight party ticket by touching that party's device. The voter's vote shall then be counted for all the candidates under that name. However, if the voter casts a vote by touching the circle of an independent ticket comprised of two (2) candidates, the vote shall not be counted for any other independent candidate on the ballot.

**(d) As provided by 42 U.S.C. 15481, a voter casting a ballot on an electronic voting system must be:**

**(1) permitted to verify in a private and an independent manner the votes selected by the voter before the ballot is cast and counted;**

**(2) provided the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and**

**(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.**

SECTION 172. IC 3-11-15-13, AS AMENDED BY P.L.126-2002, SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) Except as provided in this chapter, to be approved by the commission for use in Indiana, a voting system shall meet the standards established by the Performance and Test Voting System Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems issued adopted by the Federal Election Commission on January 25, 1990: **April 30, 2002.**

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection (a). If the commission adopts rules under this subsection, a voting system must meet the standards described in the rules instead of the standards described in subsection (a).

**(c) This section expires January 1, 2006.**

SECTION 173. IC 3-11-15-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 13.1. (a) This section applies after December 31, 2005.**



1       (b) To be approved by the commission for use in Indiana, a  
2       voting system must meet the Voting System Standards adopted by  
3       the Federal Election Commission on April 30, 2002.

4       (c) The commission may adopt rules under IC 4-22-2 to require  
5       a voting system to meet standards more recent than standards  
6       described in subsection (b). If the commission adopts rules under  
7       this subsection, a voting system must meet the standards described  
8       in the rules instead of the standards described in subsection (b).

9       (d) As provided by 42 U.S.C. 15481, to be used in an election in  
10      Indiana, a voting system must be accessible for individuals with  
11      disabilities, including nonvisual accessibility for the blind and  
12      visually impaired, in a manner that provides the same opportunity  
13      for access and participation (including privacy and independence)  
14      as for other voters.

15      (e) As provided by 42 U.S.C. 15481, an election board  
16      conducting an election satisfies the requirements of subsection (d)  
17      if the election board provides at least one (1) electronic voting  
18      system or other voting system equipped for individuals with  
19      disabilities at each polling place.

20      SECTION 174. IC 3-11-15-13.5 IS ADDED TO THE INDIANA  
21      CODE AS A NEW SECTION TO READ AS FOLLOWS  
22      [EFFECTIVE JULY 1, 2003]: Sec. 13.5. (a) This section applies only  
23      to a voting system purchased with funds made available under  
24      Title II of HAVA (42 U.S.C. 15321 through 15472) after December  
25      31, 2006.

26      (b) As required by 42 U.S.C. 15481, the voting system must  
27      comply with the Voting System Standards for disability access set  
28      forth in section 13.1 of this chapter and 42 U.S.C. 15481(a)(3) to be  
29      used in an election.

30      SECTION 175. IC 3-11-15-20 IS AMENDED TO READ AS  
31      FOLLOWS[EFFECTIVE JULY 1, 2003]: Sec. 20. (a) A voting system  
32      must be able to record accurately each vote and be able to produce an  
33      accurate report of all votes cast.

34      (b) As used in this subsection, "error rate" refers to the error  
35      rate of the voting system in counting ballots (determined by taking  
36      into account only those errors that are attributable to the voting  
37      system and not attributable to an act of the voter). As required by  
38      42 U.S.C. 15481, a voting system must comply with the error rate  
39      standards established under section 3.2.1. of the Voting System  
40      Standards approved by the Federal Election Commission on April  
41      30, 2002, as those standards were in effect on October 29, 2002.

42      (c) The inclusion of control logic and data processing methods

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1 incorporating parity and check-sums (or equivalent error detection and  
2 correction methods) must demonstrate that the system has been  
3 designed for accuracy.

4 SECTION 176. IC 3-11-15-32 IS AMENDED TO READ AS  
5 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 32. In considering the  
6 compliance of a voting system with this chapter, the commission may  
7 determine whether the system conforms with other preferred coding  
8 practices and software characteristics set forth in ~~Appendix E of the~~  
9 ~~Performance and Test Standards for Punchcard, Marksense, and Direct~~  
10 ~~Recording Electronic Voting Systems.~~ **the Voting System Standards**  
11 **adopted by the Federal Election Commission on April 30, 2002.**

12 SECTION 177. IC 3-11-15-43 IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 43. (a) The audit record  
14 provisions in this chapter are essential to the complete recording of  
15 election operations and reporting of the vote tally. This list of audit  
16 records must reflect all of the idiosyncrasies of a system.

17 **(b) As required by 42 U.S.C. 15481, the voting system must:**

18 **(1) produce a permanent paper record with a manual audit**  
19 **capacity for the system; and**

20 **(2) provide the voter with an opportunity to change the ballot**  
21 **or correct any error before the permanent paper record is**  
22 **produced.**

23 **(c) The paper record produced under subsection (b) must be**  
24 **made available as an official record for a recount or contest**  
25 **conducted with respect to any election in which the voting system**  
26 **was used.**

27 SECTION 178. IC 3-11.5-4-12 IS AMENDED TO READ AS  
28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) If the absentee  
29 ballot counters find under section 11 of this chapter that:

30 (1) the affidavit is properly executed;

31 (2) the signatures correspond;

32 (3) the absentee voter is a qualified voter of the precinct;

33 (4) the absentee voter is registered **and after December 31, 2003,**  
34 **is not required to file additional information with the county**  
35 **voter registration office under IC 3-7-33-4.5;**

36 (5) the absentee voter has not voted in person at the election; and

37 (6) in case of a primary election, if the absentee voter has not  
38 previously voted, the absentee voter has executed the proper  
39 declaration relative to age and qualifications and the political  
40 party with which the absentee voter intends to affiliate;

41 the absentee ballot counters shall open the envelope containing the  
42 absentee ballots so as not to deface or destroy the affidavit and take out

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each ballot enclosed without unfolding or permitting a ballot to be unfolded or examined.

(b) **This subsection applies after December 31, 2003. If the absentee ballot counters find under subsection (a) that the voter has not filed the additional information required to be filed with the county voter registration office under IC 3-7-33-4.5, but that all of the other findings listed under subsection (a) apply, the absentee ballot shall be processed as a provisional ballot under IC 3-11.7.**

(c) The absentee ballot counters shall then deposit the ballots in a secure envelope with the name of the precinct set forth on the outside of the envelope. After the absentee ballot counters or the county election board has made the findings described in subsection (a) or section 13 of this chapter for all absentee ballots of the precinct, the absentee ballot counters shall remove all the ballots deposited in the envelope under this section for counting under IC 3-11.5-5 or IC 3-11.5-6.

SECTION 179. IC 3-11.7-1-5, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) Provisional ballots for:

- (1) **Electors for** President and Vice President of the United States;
  - (2) United States Senator;
  - (3) United States Representative;
  - (4) all state offices; and
  - (5) the ratification or rejection of a public question to be voted for by the electorate of the entire state or for the retention of a judge of the Indiana supreme court or the Indiana court of appeals;
- shall be prepared and printed under the direction of the election division.

(b) The election division shall have the ballots printed upon certification of the political party tickets, ~~and~~ independent candidates, **and public questions.**

(c) Ballots prepared under this section must provide space for the provisional voter to cast a write-in ballot **for each office.**

(d) The provisional ballots that are prepared and printed under this section shall be delivered to the circuit court clerk or the clerk's authorized deputy not later than forty-five (45) days before a general election or twenty-nine (29) days before a special election. The provisional ballots shall be delivered in the same manner that other official ballots are delivered.

SECTION 180. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 1. **(a) As provided by 42 U.S.C. 15482, this section applies to the following individuals:**

**(1) An individual:**

~~(1)~~ **(A)** whose name does not appear on the registration list; and

~~(2)~~ **(B)** who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.

**(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.**

**(3) An individual who seeks to vote in an election as a result of a court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.**

**(b) This subsection applies after December 31, 2003. As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:**

**(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25; or**

**(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;**

**is entitled to vote a provisional ballot under this article.**

**(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:**

**(1) is eligible to vote under IC 3-7-13-1;**

**(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and**

**(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.**

**(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.**

SECTION 181. IC 3-11.7-2-2, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) A provisional voter shall do the following:

**(1) Mark the ballot in the presence of no other person, unless the voter requests help in marking a ballot under IC 3-11-9.**

**(2) Fold each ballot separately.**

**(3) Fold each ballot so as to conceal the marking.**

**(4) Enclose each ballot, with the seal and signature of the circuit court clerk on the outside, together with any unused ballot, in the**



envelope provided by the county election board under IC 3-11.7-1-8.

(5) Securely seal the envelope.

(b) A provisional voter may mark a ballot with a pen or a lead pencil.

**(c) This subsection applies to a provisional voter described in section 1(a)(1), 1(a)(2), or 1(a)(3) of this chapter. As provided by 42 U.S.C. 15482, a precinct election officer shall give the provisional voter a copy of the written instructions prescribed by the county election board under IC 3-11.7-6-3 after the voter returns the envelope containing the provisional voter's ballots.**

SECTION 182. IC 3-11.7-2-3, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) The precinct election board shall affix to the envelope the challenger's affidavit and the affidavit executed by the provisional voter under section 1 of this chapter.

(b) **Except as provided in subsection (c) and in accordance with 42 U.S.C. 15482,** the precinct election board shall securely keep the sealed envelope, along with the affidavits affixed to the envelope, in another envelope or container marked "Provisional Ballots".

**(c) This subsection applies to the sealed envelope and the affidavits affixed to the envelope of a provisional voter described in section 1(a)(3) of this chapter. As required by 42 U.S.C. 15482, the precinct election board shall keep the sealed envelope or container separate from the envelope or container described in subsection (b). The envelope or container described in this subsection must be labeled "Provisional Ballots Issued After Regular Poll Closing Hours".**

SECTION 183. IC 3-11.7-2-4, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. **As required by 42 U.S.C. 15482,** at the close of the polls, the precinct election board shall **do the following:**

**(1) Seal:**

**(+) (A) all the provisional ballots; and**

**(-) (B) any spoiled provisional ballots;**

**of provisional voters other than provisional voters described in section 1(a)(3) of this chapter** in the container described in section 3(b) of this chapter and mark on the container the number of provisional ballots contained.

**(2) Seal:**

**(A) all the provisional ballots; and**

**(B) any spoiled provisional ballots;**



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1        **of provisional voters described in section 1(a)(3) of this**  
 2        **chapter in the container described in section 1(a)(3) of this**  
 3        **chapter and mark on the container the number of provisional**  
 4        **ballots contained.**

5        The inspector shall return the container with all the provisional ballots  
 6        to the circuit court clerk after the close of the polls.

7        SECTION 184. IC 3-11.7-3-5, AS ADDED BY P.L.126-2002,  
 8        SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9        JULY 1, 2003]: Sec. 5. If a county chairman fails to make any  
 10       recommendations **not later than the deadline specified under section**  
 11       **4 of this chapter**, the county election board may appoint any voters of  
 12       the county.

13       SECTION 185. IC 3-11.7-5-2, AS ADDED BY P.L.126-2002,  
 14       SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15       JULY 1, 2003]: Sec. 2. (a) Except as provided in section 5 of this  
 16       chapter, if the county election board determines that all the following  
 17       apply, a provisional ballot is valid and shall be counted under this  
 18       chapter:

19       (1) The affidavit executed by the provisional voter under  
 20       IC 3-11.7-2-1 is properly executed.

21       (2) The provisional voter is a qualified voter of the precinct.

22       (3) Based on all the information available to the county election  
 23       board, including:

24       (A) information provided by the provisional voter;

25       (B) information contained in the county's voter registration  
 26       records; and

27       (C) information contained in the statewide voter registration  
 28       file;

29       the provisional voter registered to vote at a registration agency  
 30       under this article on a date within the registration period.

31       (b) If the provisional voter has provided information regarding the  
 32       registration agency where the provisional voter registered to vote, the  
 33       board ~~may not determine that the provisional voter did not register~~  
 34       ~~unless both of the following apply:~~

35       ~~(1) The board makes an actual inquiry of the registration agency~~  
 36       ~~where the provisional voter states the provisional voter registered:~~

37       ~~(2) The registration agency informs the board that the registration~~  
 38       ~~agency has no record of the provisional voter's registration:~~

39       **shall promptly make an inquiry to the agency regarding the alleged**  
 40       **registration. The agency shall respond to the board not later than**  
 41       **noon of the first Friday after the election, indicating whether the**  
 42       **agency's records contain any information regarding the**



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1 registration. If the agency does not respond to the board's inquiry,  
 2 or if the agency responds that the agency has no record of the  
 3 alleged registration, the board shall reject the provisional ballot.  
 4 The board shall endorse the ballot with the word "Rejected" and  
 5 document on the ballot the inquiry and response, if any, by the  
 6 agency.

7 (c) This subsection applies after December 31, 2003. Except as  
 8 provided in section 5 of this chapter, a provisional ballot cast by a  
 9 voter described in IC 3-11.7-2-1(b) is valid and shall be counted if  
 10 the county election board determines under this article that the  
 11 voter filed the documentation required under IC 3-7-33-4.5 and 42  
 12 U.S.C. 15483 with the county voter registration office not later  
 13 than the closing of the polls on election day.

14 SECTION 186. IC 3-11.7-5-3, AS ADDED BY P.L.126-2002,  
 15 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2003]: Sec. 3. (a) If the board determines that ~~section 2(a)(1),~~  
 17 ~~2(a)(2), or 2(a)(3) of this chapter does not apply; all the following~~  
 18 ~~apply: the affidavit executed by the provisional voter has not been~~  
 19 ~~properly executed, that the provisional voter is not a qualified~~  
 20 ~~voter of the precinct, or that the provisional voter did not register~~  
 21 ~~to vote at a registration agency under this article on a date within~~  
 22 ~~the registration period, the board shall make the following~~  
 23 ~~findings:~~

- 24 (1) The provisional ballot is invalid.
- 25 (2) The provisional ballot may not be counted.
- 26 (3) The provisional ballot envelope containing the ballots cast by  
 27 the provisional voter may not be opened.

28 (b) If the county election board determines that a provisional ballot  
 29 is invalid, a notation shall be made on the provisional ballot envelope:  
 30 "Provisional ballot determined invalid."

31 SECTION 187. IC 3-11.7-5-8, AS ADDED BY P.L.126-2002,  
 32 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2003]: Sec. 8. (a) During the counting of the ballots, one (1)  
 34 counter shall read the name of the candidates **and ballot questions**  
 35 voted for from the ballots.

36 (b) A:

- 37 (1) member of the county election board who is not a member of  
 38 the same political party as the counter; or
  - 39 (2) representative designated by the member;
- 40 shall view the ballots as the names **and ballot questions** are read.

41 SECTION 188. IC 3-11.7-6-3 IS ADDED TO THE INDIANA  
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



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[EFFECTIVE JULY 1, 2003]: **Sec. 3. (a) As required by 42 U.S.C. 15482, a county election board shall establish a free access system such as a toll-free telephone number or an Internet web site that enables a provisional voter to determine:**

**(1) whether the individual's provisional ballot was counted; and**

**(2) if the provisional ballot was not counted, the reason the provisional ballot was not counted.**

**(b) As required by 42 U.S.C. 15482, the county election board shall establish and maintain reasonable procedures to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used on the free access system established by the board under subsection (a).**

**(c) As required by 42 U.S.C. 15482, the county election board shall restrict access to the information available under subsection (a) about a provisional voter's ballot to the individual who cast the ballot.**

**(d) The county election board shall prescribe written instructions to inform a provisional voter how the provisional voter can determine whether the provisional voter's ballot has been counted.**

**SECTION 189. IC 3-12-1-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.2. (a) This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, optical scan voting system, or electronic voting system.**

**(b) The standards in this chapter apply to counting votes on every voting system, except where specific standards applicable only:**

**(1) to a type of voting system are provided under IC 3-12-2, IC 3-12-3, or IC 3-12-3.5; and**

**(2) in a recount or contest proceeding are provided under IC 3-12-6, IC 3-12-8, IC 3-12-11, or IC 3-12-12.**

**SECTION 190. IC 3-12-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) This chapter:**

**(1) is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot; and**

**(2) applies to each precinct where voting is by paper ballot.**

**(b) After the polls have closed, each precinct election board shall**

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count the paper ballot votes for each candidate for each office and on each public question. The board shall begin by counting the state paper ballots and shall complete the count of the state paper ballots before counting the local paper ballots. The ballots shall be counted by laying each ballot upon a table in the order in which it is taken from the ballot box.

(c) Notwithstanding subsection (b), the precinct election board may count absentee ballots before the polls have closed. If the precinct election board counts absentee ballots under this subsection, a member of the precinct election board may not, before the polls have closed, provide any person other than a member of the precinct election board with information concerning the number of votes:

(1) a candidate received for an office; or

(2) cast to approve or reject a public question; on absentee ballots counted under this subsection.

SECTION 191. IC 3-12-2.5-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 10. This chapter expires January 1, 2006.**

SECTION 192. IC 3-12-3-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an optical scan voting system.**

SECTION 193. IC 3-12-3.5-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.1. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on an electronic voting system.**

SECTION 194. IC 3-12-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) Each county election board may employ clerical assistants if necessary for the proper canvassing and tabulating of the vote. However, **no except as provided in subsection (d), not** more than one-half (1/2) of the assistants employed by the board may be members of the same political party.

(b) The county election board shall appoint the number of two (2) member write-in teams that are necessary to examine and count write-in votes cast on ballot card voting systems on election night. The county chairmen of the two (2) major political parties of a county shall

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each designate one (1) member of each write-in team. The write-in teams are considered employees of the county canvassing board and must meet the qualifications of canvassing board employees.

(c) **Except as provided in subsection (d)**, a county election board may not employ a person to assist with canvassing unless the person would be eligible to serve as a precinct election officer under IC 3-6-6-7.

(d) **The county election board may, by unanimous vote of the entire membership of the board, employ a student to assist the board under this section if the student is:**

(1) **enrolled at an institution of higher education (including a community college); and**

(2) **a registered voter of the county.**

**A student appointed under this subsection must serve the board in a nonpartisan manner.**

SECTION 195. IC 3-12-4-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 5.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system by a county election board.**

SECTION 196. IC 3-12-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.5. (a) This section applies to a statement required to be sent or delivered to the election division by a circuit court clerk under this chapter.**

(b) **A statement described in subsection (a) may be sent by using the computerized list established under IC 3-7-26.3. A statement sent under this section complies with any requirement for the statement to be certified or sealed.**

SECTION 197. IC 3-12-6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 1.2. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.**

SECTION 198. IC 3-12-8-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 2.5. (a) This section does not apply to a contest concerning whether a contestee was ineligible as**

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alleged under section 2(1) of this chapter.

(b) This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a contest conducted under this chapter.

SECTION 199. IC 3-12-11-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

SECTION 200. IC 3-12-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1.5. This chapter is enacted to comply with 42 U.S.C. 15481 by establishing uniform and nondiscriminatory standards to define what will be counted as a vote on a paper ballot, an optical scan voting system, or an electronic voting system in a recount conducted under this chapter.

SECTION 201. IC 3-14-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. A person who knowingly, intentionally, or recklessly releases or removes any registration materials or, after December 31, 2005, information contained in the computerized list maintained under IC 3-7-26.3 from the county voter registration office, of the circuit court clerk or board of registration, except when release or removal is necessary:

- (1) to comply with IC 3-7; or
- (2) for the destruction of the materials under IC 5-15-6;

commits a Class A misdemeanor.

SECTION 202. IC 3-14-4-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3.5. (a) This subsection applies before January 1, 2006. A circuit court clerk, member of a board of registration, or county official, responsible for maintaining computerized voter registration information who recklessly fails to comply with IC 3-7-26 more than thirty (30) days after being required to perform a duty under IC 3-7-26 commits a Class B misdemeanor.

(b) This subsection applies after December 31, 2005. A circuit court clerk, a member of a board of registration, a county official, or another person responsible for maintaining computerized voter registration information who recklessly fails to comply with



1 **IC 3-7-26.3 more than thirty (30) days after being required to**  
 2 **perform a duty under IC 3-7-26.3 commits a Class B misdemeanor.**

3 SECTION 203. IC 3-14-6-1 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) An officer or  
 5 employee of the commission or a county voter registration officer or  
 6 employee who grants a request for voter registration information under  
 7 IC 3-7-26 or IC 3-7-27 with knowledge that the information will be  
 8 used in a manner prohibited by IC 3-7-26 or IC 3-7-27 commits a Class  
 9 B infraction.

10 (b) An officer or employee of the commission who has previously  
 11 received a judgment for committing an infraction under this section,  
 12 and violates this section a second time shall be dismissed from the  
 13 officer's or employee's position.

14 **(c) This section expires January 1, 2006.**

15 SECTION 204. IC 3-14-6-1.1 IS ADDED TO THE INDIANA  
 16 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2003]: Sec. 1.1. (a) **This section applies after**  
 18 **December 31, 2005.**

19 (b) **A person who grants a request for voter registration**  
 20 **information under IC 3-7-26.3 or IC 3-7-27 with knowledge that**  
 21 **the information will be used in a manner prohibited by IC 3-7-26.3**  
 22 **or IC 3-7-27 commits a Class B infraction.**

23 (c) **A person who has previously received a judgment for**  
 24 **committing an infraction under this section and knowingly,**  
 25 **intentionally, or recklessly violates this section a second time**  
 26 **commits a Class D felony.**

27 SECTION 205. IC 3-14-6-2 IS AMENDED TO READ AS  
 28 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. (a) This section does  
 29 not apply to:

- 30 (1) political activities; or
- 31 (2) political fundraising activities.

32 (b) A person who uses voter registration information obtained under  
 33 IC 3-7-26, **IC 3-7-26.3 (after December 31, 2005)**, or IC 3-7-27 to  
 34 solicit **the sale of** merchandise, goods, services, or subscriptions  
 35 commits a Class B infraction.

36 (c) The court shall:

- 37 (1) keep a record; and
- 38 (2) send a copy of the record to the prosecuting attorney of the  
 39 county in which the infraction proceeding was tried;  
 40 of a judgment for an infraction proceeding tried under this section.

41 (d) A person who:

- 42 (1) has previously received a judgment for committing an

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1           infraction under this section; and  
 2           (2) knowingly or intentionally uses voter registration information  
 3           in violation of this section;  
 4           commits a Class A misdemeanor.

5           SECTION 206. IC 5-26.5-2-5, AS ADDED BY P.L.273-2001,  
 6           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7           JULY 1, 2003]: Sec. 5. A program participant who is otherwise  
 8           qualified to vote may apply to vote ~~in the same manner as an absent~~  
 9           ~~uniformed services voter under provided in~~ IC 3-11-4-6.

10          SECTION 207. IC 9-24-2.5-12 IS ADDED TO THE INDIANA  
 11          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 12          [EFFECTIVE UPON PASSAGE]: **Sec. 12. As required under 42**  
 13          **U.S.C. 15483, the secretary of state and the commission shall enter**  
 14          **into an agreement to match information in the computerized list**  
 15          **established under IC 3-7-26.3 with information in the data base of**  
 16          **the commission to enable the election division and the commission**  
 17          **to verify the accuracy of the information provided on voter**  
 18          **registration applications.**

19          SECTION 208. IC 9-24-2.5-13 IS ADDED TO THE INDIANA  
 20          CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21          [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) As required under 42**  
 22          **U.S.C. 15483, the commission shall enter into an agreement with**  
 23          **the Commissioner of Social Security under 42 U.S.C. 405(r)(8)(A)**  
 24          **to verify information set forth on voter registration applications.**

25          **(b) The information subject to verification under this section is**  
 26          **the following:**

27               **(1) Whether the name (including the first name and any**  
 28               **family forename or surname), date of birth (including month,**  
 29               **day, and year), and Social Security number of an individual**  
 30               **provided to the Commissioner of Social Security match the**  
 31               **information contained in the Commissioner's records.**

32               **(2) Whether the individual is shown in the records of the**  
 33               **Commissioner of Social Security as deceased.**

34          **(c) The agreement under subsection (b) must comply with**  
 35          **42 U.S.C. 15481 and IC 3-7-26.3.**

36          SECTION 209. IC 11-8-2-5 IS AMENDED TO READ AS  
 37          FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) The  
 38          commissioner shall **do the following:**

39               (1) Organize the department, subject to approval by the board,  
 40               and employ personnel necessary to discharge the duties and  
 41               powers of the department.

42               (2) Administer and supervise the department, including all state

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owned or operated correctional facilities.

(3) Except for employees of the parole board, be the appointing authority for all positions in the department within the scope of IC 4-15-2 and define the duties of those positions in accord with IC 4-15-2.

(4) Define the duties of a deputy commissioner and a superintendent.

(5) Accept committed persons for study, evaluation, classification, custody, care, training, and reintegration.

(6) Determine the capacity of all state owned or operated correctional facilities and programs and keep all Indiana courts having criminal or juvenile jurisdiction informed, on a quarterly basis, of the populations of those facilities and programs.

(7) Utilize state owned or operated correctional facilities and programs to accomplish the purposes of the department and acquire or establish, according to law, additional facilities and programs whenever necessary to accomplish those purposes.

(8) Develop policies, programs, and services for committed persons, for administration of facilities, and for conduct of employees of the department.

(9) Administer, according to law, the money or other property of the department and the money or other property retained by the department for committed persons.

(10) Keep an accurate and complete record of all department proceedings, which includes the responsibility for the custody and preservation of all papers and documents of the department.

(11) Make an annual report to the governor according to subsection (c).

(12) Develop, collect, and maintain information concerning offenders, sentencing practices, and correctional treatment as he considers useful in penological research or in developing programs.

(13) Cooperate with and encourage public and private agencies and other persons in the development and improvement of correctional facilities, programs, and services. ~~and~~

(14) Explain correctional programs and services to the public.

**(15) As required under 42 U.S.C. 15483, after January 1, 2006, provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with department records concerning individuals disfranchised under IC 3-7-46.**

(b) The commissioner may:

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(1) when authorized by law, adopt departmental rules under IC 4-22-2, subject to approval by the board;

(2) delegate powers and duties conferred on him by law to a deputy commissioner or commissioners and other employees of the department;

(3) issue warrants for the return of escaped committed persons (an employee of the department or any person authorized to execute warrants may execute a warrant issued for the return of an escaped person); and

(4) exercise any other power reasonably necessary in discharging his duties and powers.

(c) The annual report of the department shall be transmitted to the governor by September 1 of each year and must contain:

(1) a description of the operation of the department for the fiscal year ending June 30;

(2) a description of the facilities and programs of the department;

(3) an evaluation of the adequacy and effectiveness of those facilities and programs considering the number and needs of committed persons or other persons receiving services; and

(4) any other information required by law.

Recommendations for alteration, expansion, or discontinuance of facilities or programs, for funding, or for statutory changes may be included in the annual report.

SECTION 210. IC 12-28-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. Notwithstanding IC 4-6-2, the commission has the following powers, duties, and functions:

(1) Establish and maintain all necessary offices.

(2) Subject to IC 4-15-2:

(A) appoint;

(B) fix the compensation for; and

(C) prescribe the duties of;

the attorneys, other employees, and agents the commission considers necessary.

(3) Provide legal and other advocacy services throughout Indiana to individuals or organizations on matters related to the protection of the legal and human rights of developmentally disabled individuals, mentally ill individuals, and individuals who are seeking or receiving vocational rehabilitation services.

(4) Enter into contractual relationships and sue and be sued in the name of the services.

(5) Apply for, solicit, and accept contributions or grants of money,



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property, or services made by gift, devise, bequest, grant, or other means from any source that the commission considers best to assist the services in performing its purpose.

(6) Provide information and referral services.

(7) Adopt rules under IC 4-22-2 to do the following:

(A) Establish and operate local protection and advocacy service units.

(B) Operate the service.

(C) Perform the commission's duties.

**(8) Ensure full participation in the electoral process in individuals with disabilities, including registering to vote, casting a vote, and accessing polling places, in accordance with 42 U.S.C. 15461 through 15462.**

SECTION 211. IC 16-19-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) The state department shall study the vital statistics and endeavor to make intelligent and profitable use of the collected records of death and sickness among the people.

(b) As required under 42 U.S.C. 15483, after January 1, 2006, the department shall provide information to the election division to coordinate the computerized list of voters maintained under IC 3-7-26.3 with the department records concerning individuals identified as deceased under IC 3-7-45.

SECTION 212. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 3-7-26-20; IC 3-11-6.5-3; IC 3-11-6.5-6; IC 3-11-6.5-7.

SECTION 213. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) Not later than December 31, 2003, each county voter registration office shall identify each registered voter in the county who:

(1) registered by mail under IC 3-7-22 by submitting an application after December 31, 2002; and

(2) would be required to provide personal identification under 42 U.S.C. 15483 before voting either in person or by mail at an election conducted after December 31, 2003.

(c) Not later than March 1, 2004, the county voter registration office shall mail a notice to each voter identified in subsection (b). The notice must:

(1) inform the voter regarding the additional personal identification required by federal law before the voter casts a ballot in person or by mail; and

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(2) encourage the voter to submit photocopies of the required documentation to the county voter registration office before election day.

(d) Not later than July 1, 2003, the election division shall provide each county voter registration office with a sample notice for purposes of mailings required under this SECTION.

(e) A county:

(1) may mail a notice to a voter under this SECTION at any time after receiving the sample notice under subsection (d); and

(2) is not required to mail the notice to all voters described in subsection (b) as part of the same mailing.

(f) This SECTION expires December 31, 2004.

SECTION 214. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) Not later than July 1, 2003, the commission shall act under IC 3-11-4-5.1 to approve absentee ballot application forms that include a notice that certain voters who registered by mail are required to provide additional personal identification before voting an absentee ballot by mail.

(c) Notwithstanding IC 3-5-4-8, an absentee ballot application form approved by the commission before December 31, 2003, that does not comply with subsection (b) may not be accepted for filing with a county election board after December 31, 2003.

(d) This SECTION expires December 31, 2004.

SECTION 215. [EFFECTIVE UPON PASSAGE] (a) The election division of the office of the secretary of state shall study the congressional recommendation set forth in Section 701 of the Help America Vote Act of 2002 that the single office in Indiana designated under IC 3-11-4-5.5 to provide absentee balloting and voter registration information to military and overseas voters also be authorized to accept valid voter registration applications, absentee ballot applications, and absentee ballots from all military and overseas voters who wish to register to vote or vote in Indiana.

(b) The election division shall consult with circuit court clerks and county voter registration officers in conducting this study and shall publish a report containing the results of this study not later than June 1, 2004.

(c) The election division shall submit the report to the census data advisory committee along with suggestions for additional legislation necessary to implement any recommendations contained in the report.



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1 (d) The election division shall consider incorporating the  
2 features described in subsection (a) into the statewide voter  
3 registration system established under IC 3-7-26.

4 (e) This SECTION expires January 2, 2005.

5 SECTION 216. [EFFECTIVE UPON PASSAGE] (a) Before  
6 January 1, 2004, the Indiana election commission shall act under  
7 IC 3-11-4-5.1 to make any revision required to the absentee ballot  
8 application form prescribed by the commission under that section  
9 to conform the application to the standard oath prescribed for  
10 absent uniformed services voters and overseas voters under 42  
11 U.S.C. 1973ff-1(b).

12 (b) An absentee ballot application form approved by the  
13 commission before January 1, 2004, that does not comply with any  
14 requirement under 42 U.S.C. 1973ff-1(b) may not be used for any  
15 election conducted after December 31, 2003.

16 (c) This SECTION expires January 1, 2005.

17 SECTION 217. [EFFECTIVE UPON PASSAGE] (a) Before  
18 January 1, 2004, the Indiana election commission shall act under  
19 IC 3-5-4-8 to make any revision required to the affidavit printed on  
20 the absentee ballot mailing envelope described by IC 3-11-4-21 to  
21 conform the application to the standard oath prescribed for absent  
22 uniformed services voters and overseas voters under 42 U.S.C.  
23 1973ff-1(b).

24 (b) An absentee ballot mailing envelope approved by the  
25 commission before January 1, 2004, that does not comply with any  
26 requirement under 42 U.S.C. 1973ff-1(b) or IC 3-11-4-21 may not  
27 be used for any election conducted after December 31, 2003.

28 (c) This SECTION expires January 1, 2005.

29 SECTION 218. [EFFECTIVE UPON PASSAGE] (a) The  
30 definitions set forth in IC 3-5-2 apply to this SECTION.

31 (b) Notwithstanding IC 3-5-4-8, a registration by mail form  
32 approved by the commission under IC 3-7-22 before January 1,  
33 2003, may not be filed by an applicant or processed by a county  
34 voter registration office after December 31, 2003.

35 (c) The election division shall:

36 (1) notify the offices and entities designated as mail-in  
37 registration form distribution sites under IC 3-7 or a county  
38 NVRA plan that the registration forms previously furnished  
39 to those offices and entities will be obsolete after December  
40 31, 2003; and

41 (2) provide each office or entity with mail-in registration  
42 forms that comply with IC 3-7-22, as amended by this act, not

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1 later than December 31, 2003.

2 (d) The election division shall provide mail-in registration forms  
3 under subsection (c) in the quantity that the election division  
4 determines should be sufficient for the office or entity to supply  
5 voter registration applications to voters until December 31, 2004.  
6 In complying with this subsection, the election division shall  
7 attempt to reduce costs by publicizing the availability of a  
8 downloadable voter registration application on the election  
9 division's web site.

10 (e) This SECTION expires January 1, 2005.

11 SECTION 219. [EFFECTIVE UPON PASSAGE] (a) The secretary  
12 of state shall implement, in a uniform and nondiscriminatory  
13 manner, a single, uniform, official, centralized, and interactive  
14 statewide voter registration list in accordance with the  
15 requirements set forth in 42 U.S.C. 15483 and IC 3-7-26.3, as added  
16 by this act.

17 (b) Not later than January 1, 2004, the secretary of state may  
18 certify to the federal Election Assistance Commission under  
19 Section 303(d)(1)(B) of the Help America Vote Act of 2002 that the  
20 state will not meet the deadline of January 1, 2004, to establish a  
21 statewide voter registration system that complies with 42 U.S.C.  
22 15483.

23 (c) As required by Section 303(d)(1)(B) of the Help America  
24 Vote Act of 2002, the certification must state:

25 (1) that the inability of the state to meet this deadline is for  
26 good cause; and

27 (2) the reasons for the inability to meet the deadline.

28 (d) This SECTION expires January 1, 2006.

29 SECTION 220. [EFFECTIVE UPON PASSAGE] (a) This  
30 SECTION applies to a voter who has not been assigned a voter  
31 identification number under IC 3-7-13-13.

32 (b) Not later than January 1, 2006, the election division shall  
33 assign a voter identification number to the voter's registration  
34 record in the computerized list maintained under IC 3-7-26.3. The  
35 number must be assigned in accordance with IC 3-7-13-13.

36 (c) This SECTION expires January 1, 2006.

37 SECTION 221. [EFFECTIVE JULY 1, 2003] (a) As used in this  
38 SECTION, "commission" refers to the Indiana protection and  
39 advocacy services commission established by IC 12-28-1-6.

40 (b) All money received by the commission from the Secretary of  
41 Health and Human Services under 42 U.S.C. 15461 through 15462  
42 is appropriated beginning July 1, 2003, for activities permitted

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under 42 U.S.C. 15461 through 15462 and IC 12-28-1-12(8).

(c) This SECTION expires July 1, 2005.

SECTION 222. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than April 7, 2003, the governor, in consultation and coordination with the secretary of state, shall notify the federal Administrator of General Services that the state of Indiana intends to use payments under Section 101 of HAVA (42 U.S.C. 15301) in accordance with Section 101 of HAVA.

(c) This section expires December 31, 2003.

SECTION 223. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than April 7, 2003, the governor, in consultation and coordination with the secretary of state, shall give the notice to the federal Administrator of General Services under Section 102(b) of HAVA (42 U.S.C. 15302) in accordance with Section 102 of HAVA.

(c) This section expires December 31, 2003.

SECTION 224. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) Subject to subsection (d), a voting machine system may not be used in an election in Indiana after December 31, 2003.

(c) Subject to subsection (e), a punch card voting system may not be used in an election in Indiana after December 31, 2003.

(d) Notwithstanding subsection (b), a voting machine system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all voting machine systems in Indiana before January 1, 2004.

(e) Notwithstanding subsection (c), a punch card voting system may be used in an election in Indiana after December 31, 2003, and before January 1, 2006, if not later than December 31, 2003, the secretary of state certifies to the federal Administrator of General Services under Section 102(a)(3)(B) of HAVA (42 U.S.C. 15302) that the state cannot replace all punch card voting systems in Indiana before January 1, 2004.

(f) This SECTION expires January 1, 2006.

SECTION 225. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) The census data advisory committee shall prepare legislation

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for introduction in the 2004 session of the Indiana general assembly to make appropriate amendments to Indiana statutes by removing references to voting machine systems and punch card voting systems.

(c) This SECTION expires January 1, 2006.

SECTION 226. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply throughout this SECTION.

(b) Not later than June 30, 2003, the secretary of state shall file a statement with the federal Election Assistance Commission.

(c) The statement under subsection (b) must certify that the state is in compliance with the requirements referred to in Section 253(b) of HAVA (42 U.S.C. 15403) and be in the form authorized by Section 253 of HAVA.

(d) This SECTION expires December 31, 2003.

SECTION 227. [EFFECTIVE JULY 1, 2003] (a) Each county election board shall determine, not later than December 31, 2003, whether the board will adopt an order authorizing the appointment of a precinct election officer under IC 3-6-6-39, as amended by this act.

(b) An order adopted under this SECTION remains in effect until repealed by the unanimous vote of the entire membership of the county election board.

(c) This SECTION expires January 1, 2004.

SECTION 228. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 3-5-2, as amended by this act, apply throughout this SECTION.

(b) Notwithstanding P.L.291-2001, SECTION 38:

(1) the four million dollars (\$4,000,000) designated from the build Indiana fund for "Local Equipment Matching Grants"; and

(2) the five million dollars (\$5,000,000) designated from the build Indiana fund for "Local Election and Voter Registration Equipment";

are canceled.

(c) Nine million dollars (\$9,000,000) is appropriated from the build Indiana fund to the election administration assistance fund established by IC 3-11-6.5-2, as amended by this act, for the period beginning July 1, 2003, and ending June 30, 2005.

(d) The money appropriated by subsection (c) shall be allocated to the account within the election administration assistance fund established for the receipt of money appropriated by the general assembly. Four million dollars (\$4,000,000) of the amount

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1     appropriated by subsection (c) may be used for the reimbursement  
2     of counties under IC 3-11-6.5 that do not qualify for  
3     reimbursement of voting system purchases under HAVA. Five  
4     million dollars (\$5,000,000) of the amount appropriated by  
5     subsection (c) may be used for the implementation of a statewide  
6     voter registration system under IC 3-7-26.3, as added by this act,  
7     and to comply with the requirement for the appropriation of funds  
8     under Section 253(b)(5) of HAVA.

9     (e) If the funds appropriated under subsection (c) are  
10    insufficient to comply with the requirement for the appropriation  
11    of funds under Section 253(b)(5) of HAVA, there is appropriated  
12    from the state general fund money sufficient to comply with  
13    Section 253(b)(5) of HAVA.

14    (f) This SECTION expires July 1, 2005.

15    SECTION 229. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Elections and Civic Affairs.

(Reference is to SB 268 as introduced.)

GARTON, Chairperson

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SENATE MOTION

Mr. President: I move that Senator Breaux be added as second author of Senate Bill 268.

SKILLMAN

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## COMMITTEE REPORT

Mr. President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill No. 268, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 8, line 11, delete ",".
- Page 10, line 38, delete ",".
- Page 14, line 20, delete "7" and insert "6".
- Page 16, line 5, delete ",".
- Page 24, line 27, delete "now".
- Page 26, line 13, delete "only be used" and insert "**be used only**".
- Page 27, line 7, delete "ZIP + 4 Code" and insert "**ZIP Code + 4**".
- Page 28, line 29, after "solicit" insert "**for the sale of**".
- Page 29, line 12, delete "3-10-1," and insert "**IC 3-10-1**".
- Page 42, line 23, delete "IC 3-7-35-2.1" and insert "IC 3-7-35-3.1".
- Page 42, line 25, delete "Sec. 2.1." and insert "**Sec. 3.1**".
- Page 44, line 15, after "practicable" insert ",".
- Page 48, line 23, delete "name was" and insert "**names were**".
- Page 52, line 32, after "month" insert ",".
- Page 62, line 26, delete "2003]." and insert "2003]:".
- Page 63, line 37, after "participant" insert ",".
- Page 68, line 36, delete "include information".
- Page 71, line 27, delete "." and insert ".".
- Page 71, line 32, delete "42 U.S.C.15301" and insert "**42 U.S.C. 15301**".
- Page 73, line 39, delete "That the" and insert "~~That~~ The".
- Page 75, line 32, delete "who" and insert "**that**".
- Page 75, line 34, delete "these" and insert "**the**".
- Page 79, line 32, delete ",".
- Page 80, line 36, delete "IC 3-7-48-7," and insert "**IC 3-7-48-7**".
- Page 81, line 24, delete "IC 3-7-48-5," and insert "**IC 3-7-48-5**".
- Page 84, line 19, delete "had".
- Page 86, line 20, after "WITH" insert "**THE**".
- Page 87, line 12, delete "that section" and insert "**IC 3-7-33-4.5**".
- Page 90, line 10, delete ",".
- Page 91, line 14, delete ",".
- Page 93, line 35, delete ",".
- Page 96, line 36, delete "with".
- Page 96, line 42, delete ",".
- Page 98, line 16, delete "with".



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Page 98, line 22, delete ",".

Page 99, line 22, delete "only applies" and insert **"applies only"**.

Page 99, line 27, delete "voting system standards" and insert **"Voting System Standards"**.

Page 99, line 36, delete "which" and insert **"that"**.

Page 102, line 10, delete "IC 3-11-8-27.5" and insert **"IC 3-11-8-27.5"**.

Page 103, line 25, delete "different" and insert **"separate"**.

Page 103, line 25, after "or" insert **"container"**.

Page 104, line 41, after "election" insert ",".

Page 105, line 5, after "on" insert **"the ballot"**.

Page 106, line 2, delete "website" and insert **"web site"**.

Page 106, line 11, after "used" insert **"on"**.

Page 110, line 32, delete "IC 3-7-26 or, after December 31, 2005, IC 3-7-26.3," and insert **"IC 3-7-26, IC 3-7-26.3 (after December 31, 2005),"**.

Page 110, line 33, after "solicit" insert **"the sale of"**.

Page 111, line 19, delete "NEW" and insert **"NEW"**.

Page 116, line 8, delete "conform with the application with" and insert **"conform the application to"**.

Page 116, line 20, delete "conform with the application with" and insert **"conform the application to"**.

Page 116, line 24, delete "which" and insert **"that"**.

Page 117, line 12, after "centralized" insert ",".

Page 118, line 31, delete "(b)," and insert **"(c),"**.

Page 119, line 10, delete "section" and insert **"Section"**.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Finance.

(Reference is to SB 268 as printed February 11, 2003.)

LAWSON C, Chairperson

Committee Vote: Yeas 8, Nays 0.

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